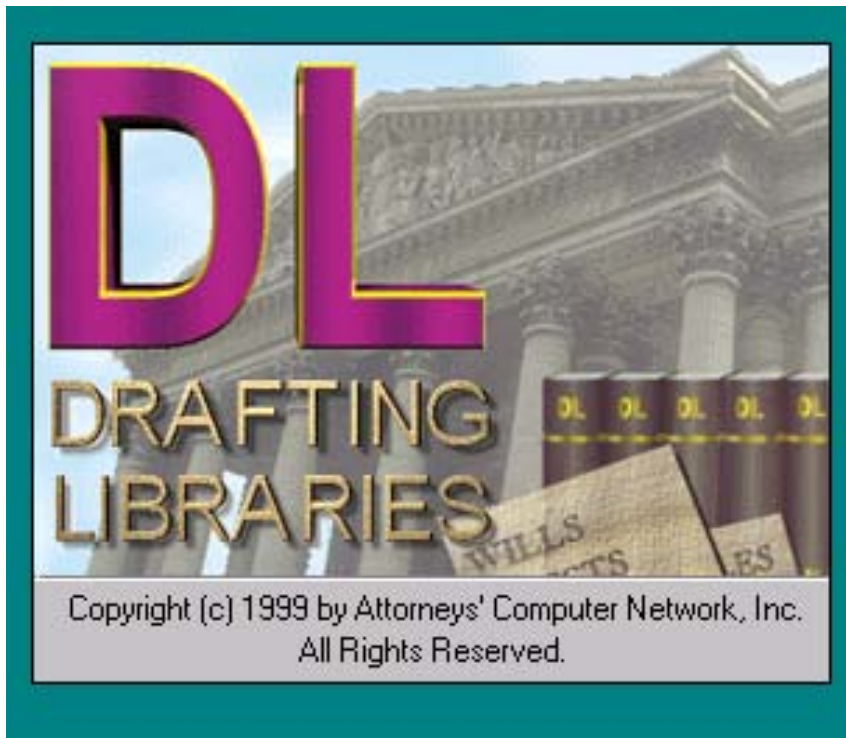


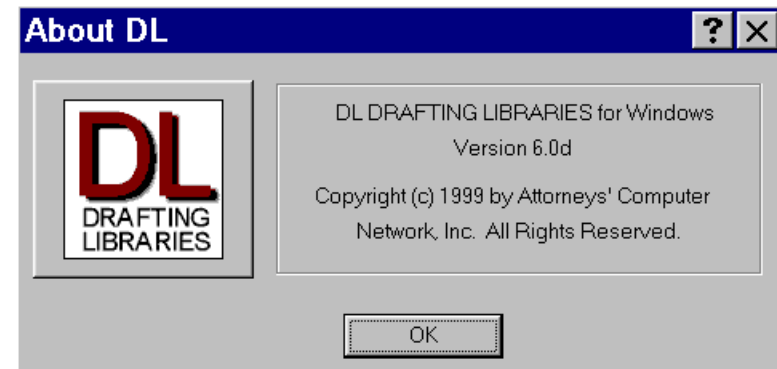
# Military Estate Planning *Using Drafting Libraries (DL)*



MAJ Rick Rousseau

# Topics

- JAGCNet - DL Resources
- DL “*Screen Shots*”
  - Reporting Installation
  - Set Up
  - Getting Started
- Estate Planning with DL
  - Ancillary Documents
  - *Smart Will* Templates
- Conclusion



# JAGCNet & DL

[JAGC Leadership](#)

[JAG School](#)

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[Personnel \(PP&TO\)](#)

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Hits since 1 October 1999 = **153506**

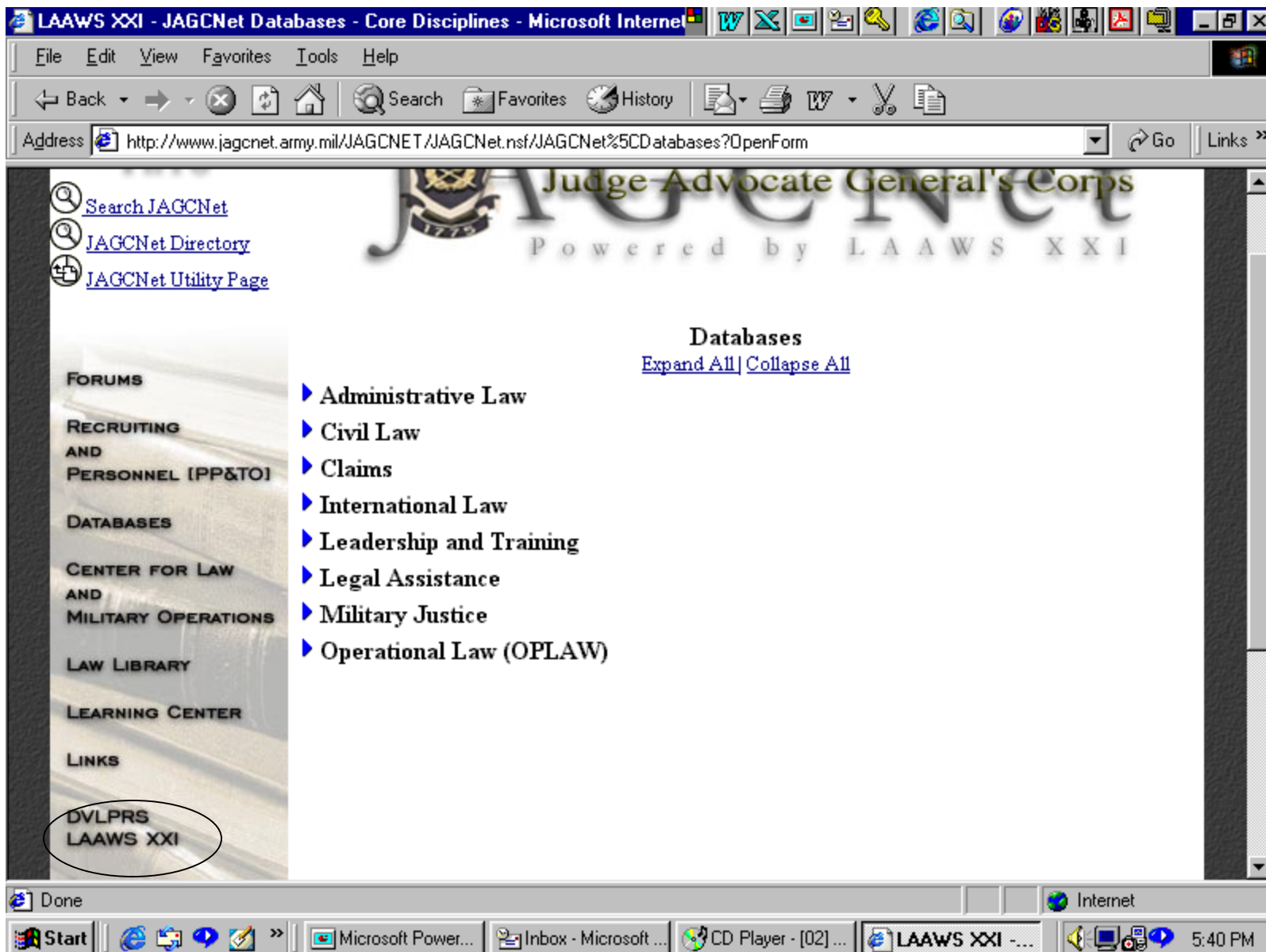
[\*\*http://jagcnet.army.mil/\*\*](http://jagcnet.army.mil/)

# JAGCNet & DL

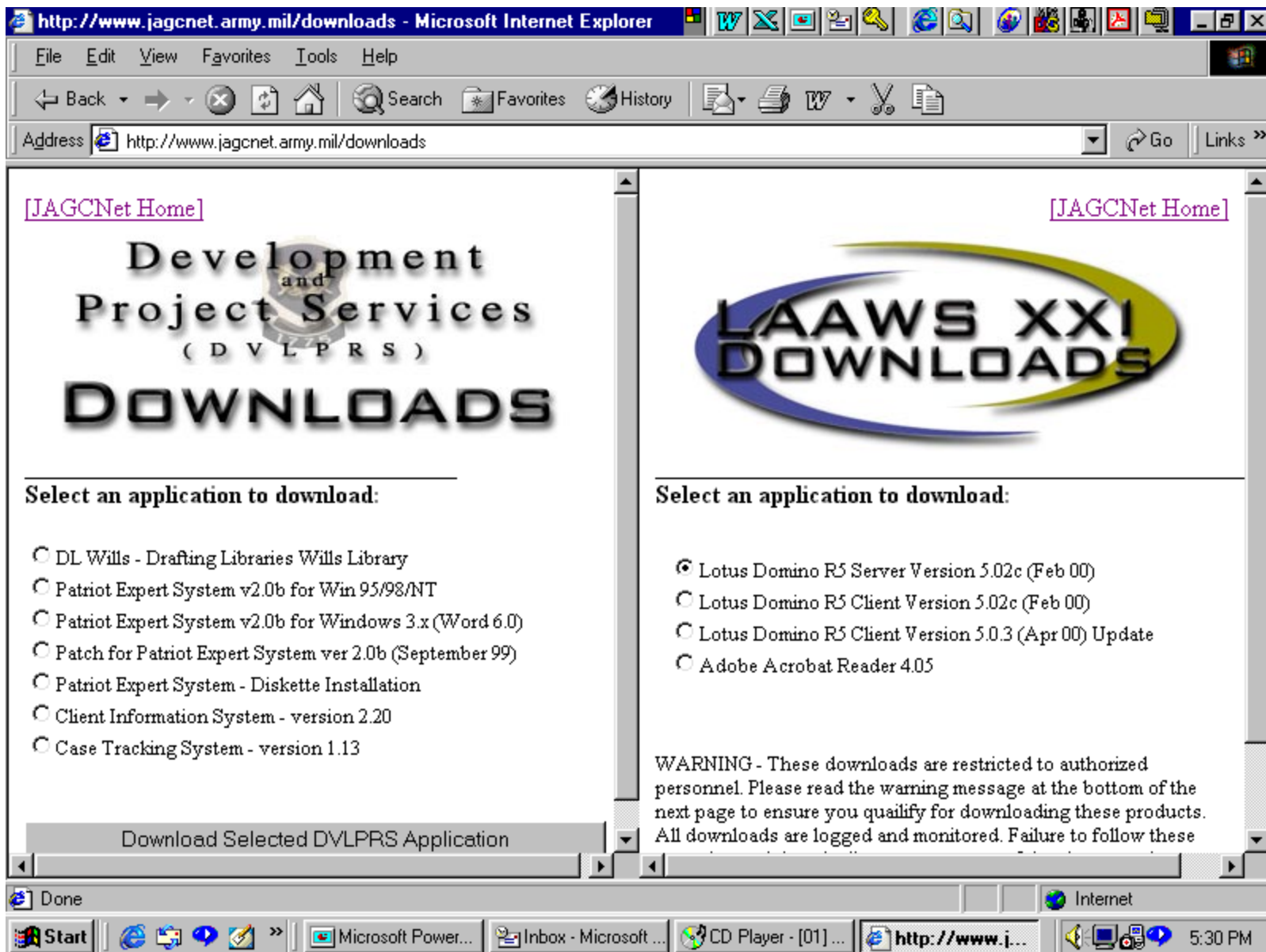














# Set Up - Word Processor Choice

**Word Processor**

DL Drafting Libraries

Default Year: 1999

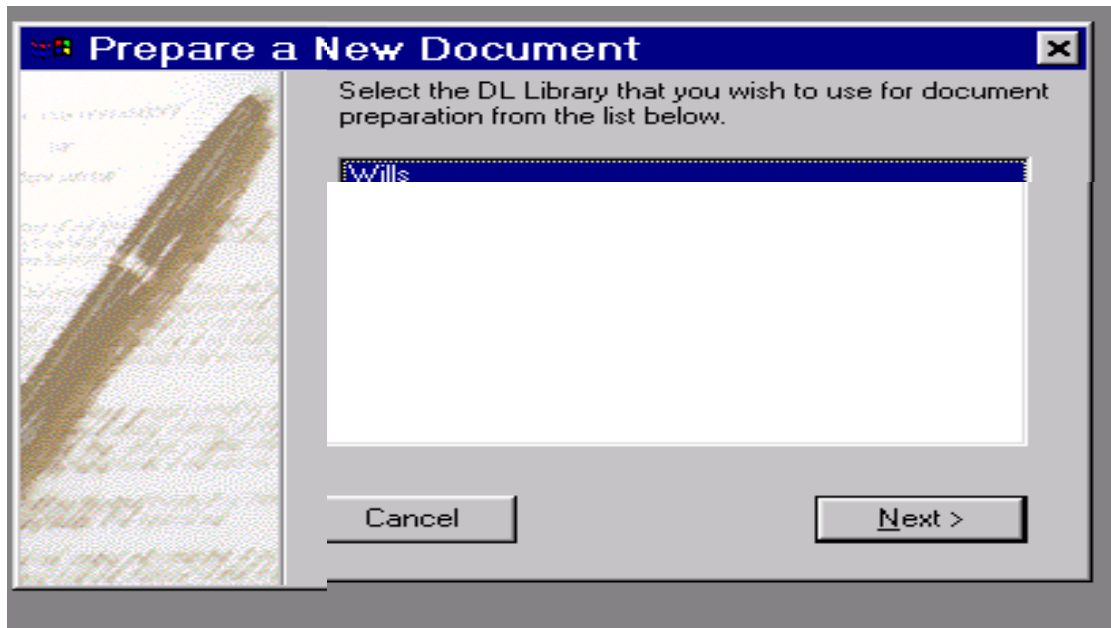
Word Processor:

- Word for Windows
- Word Perfect for Windows
- Word Perfect for DOS
- Word for Windows**
- Word for Dos
- Works for Windows
- Works for Dos
- Lotus WordPro

☒ Use Auto Hyphenation

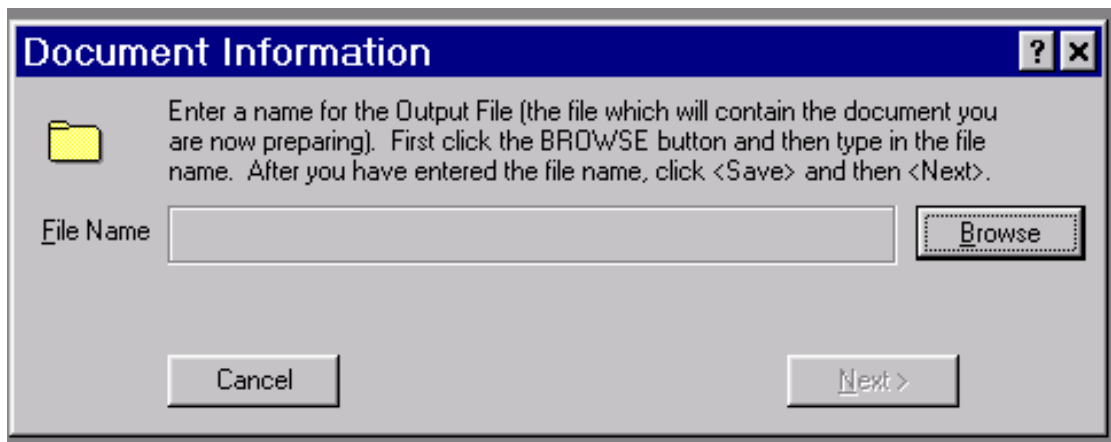
< Back      Next

Scroll to find your Word Processor.



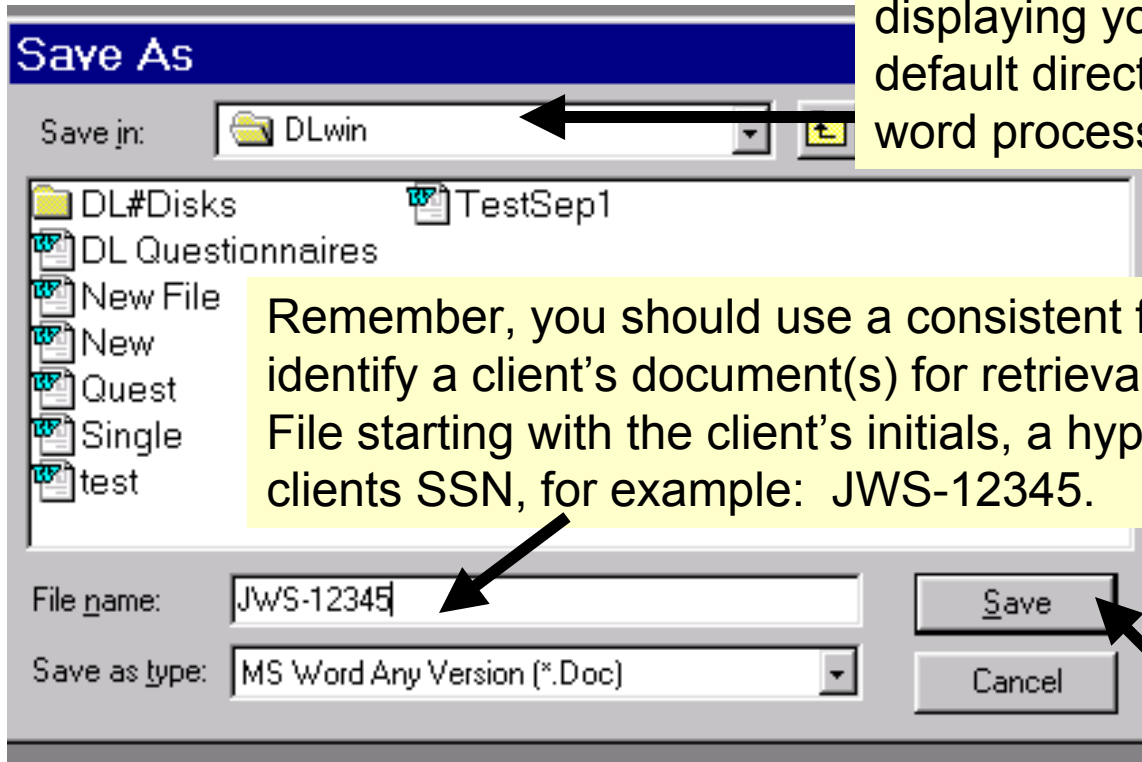
## Prepare a New Document

- Starting Screen - pick the DL Wills Library to advance to the next screen.



Select **Browse** - to see the existing files prepared in earlier uses of DL Wills & to get a window to name the file you are creating.

Selecting **Browse** on the previous screen will open your DLwin subdirectory displaying your previous files. This is the default directory associated with your word processor.

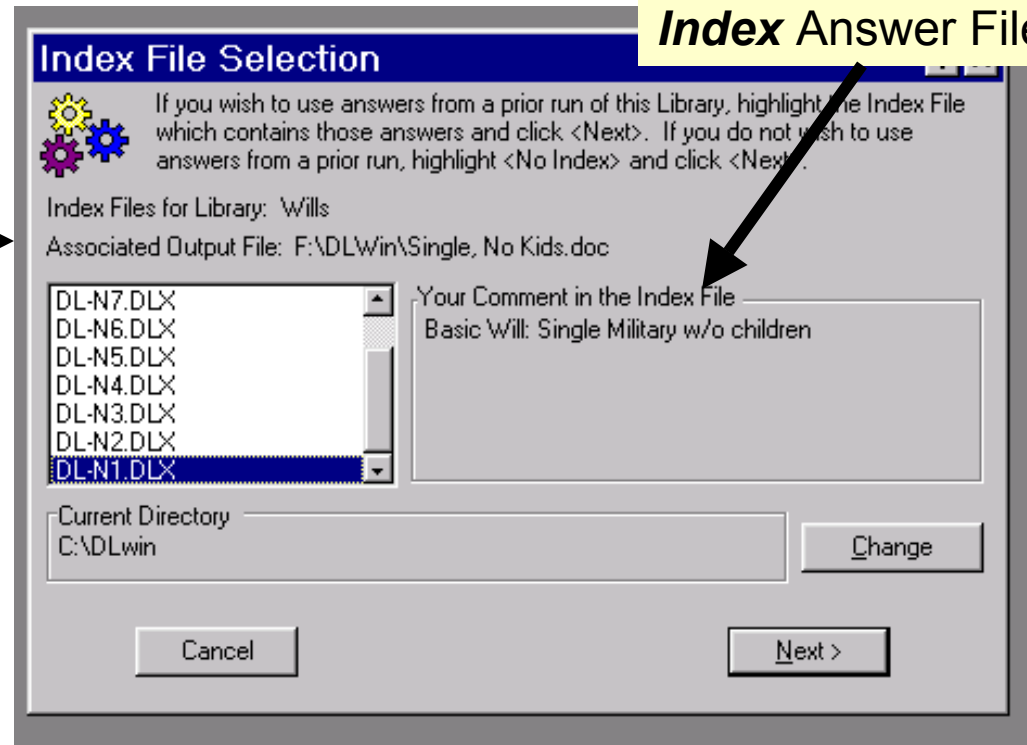


Remember, you should use a consistent file naming convention to easily identify a client's document(s) for retrieval. Consider naming the Output File starting with the client's initials, a hyphen, and the last 5 digits of the clients SSN, for example: JWS-12345.

After entering a file name, select **Save** to advance to the next screen.

After naming the file you are about to prepare, DL Wills asks if you desire to use answers (stored in an **Index File**) from a previous use of DL Wills. If you do, scroll down the **Index File** name list to find the desired **Index File**. This is where you retrieve a **Smart Will** template.

Note **Associated Output File** - it shows the location of the documents created using this highlighted **Index Answer File**.

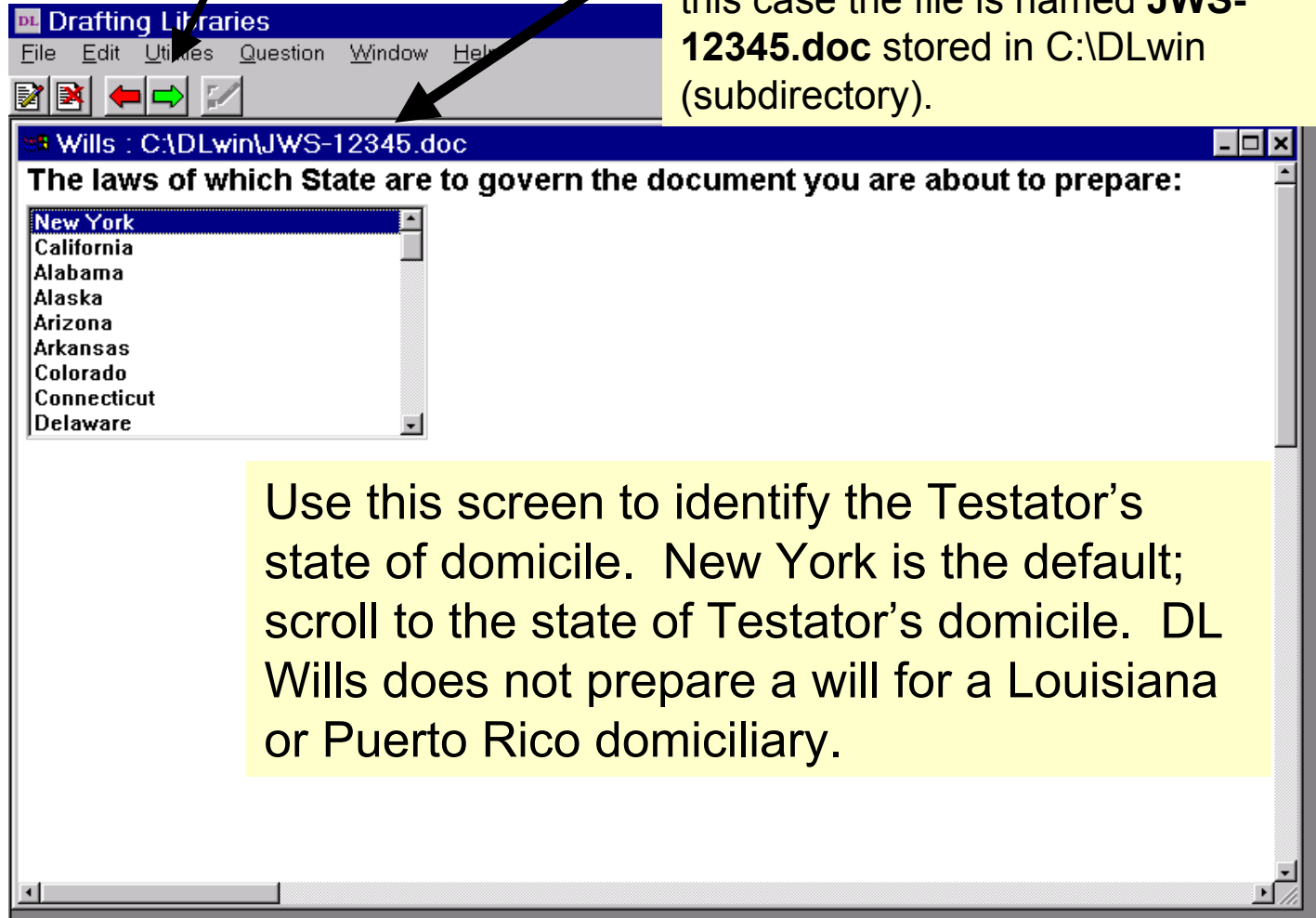


Note **Comment** describing the **Index Answer File**.

Use the Green Arrow to advance to the next menu screen accepting the default answer.

File name and directory location for document(s) you are preparing - in this case the file is named **JWS-12345.doc** stored in C:\DLwin (subdirectory).

Use the Red Arrow to return to the previous menu screen.



Use this screen to identify the Testator's state of domicile. New York is the default; scroll to the state of Testator's domicile. DL Wills does not prepare a will for a Louisiana or Puerto Rico domiciliary.



After identifying the Testator's domicile (Virginia here), DL Wills presents this choice screen for selecting documents you intend to prepare.

Having selected Virginia as the Testator's domicile, DL Wills reminds you here:

Note the default answer from the Index File is indicated by a dotted line on the letter choice.

The screenshot shows the 'DL Drafting Libraries' application window. The title bar reads 'DL Drafting Libraries'. The menu bar includes 'File', 'Edit', 'Utilities', 'Question', 'Window', and 'Help'. Below the menu bar is a toolbar with icons for opening, saving, undo, redo, and printing. The main window title is 'Wills : C:\DLwin\New.doc'. The text inside the window reads: 'NOTE: The documents you are about to prepare are for a person who is domiciled in Virginia. [The person may be stationed or temporarily living elsewhere.]' Below this is the heading 'DO YOU WISH TO PREPARE:' followed by a list of options: 'A a Will (and selected ancillary documents) [frequently <A>]', 'B just a Will', 'C just a Living Will (and/or an appointment of an agent for health care decisions)', 'D just a general Power of Attorney', 'E a Codicil', and 'F a client interview questionnaire'. At the bottom of the window is a row of buttons labeled 'A', 'B', 'C', 'D', 'E', and 'F'. The 'A' button is highlighted with a dotted border. An arrow points from the 'A' button to a separate dotted box containing the letter 'A'. Another arrow points from the 'F' button to a text box at the bottom right.

**DL Drafting Libraries**

File Edit Utilities Question Window Help

Wills : C:\DLwin\New.doc

NOTE: The documents you are about to prepare are for a person who is domiciled in Virginia. [The person may be stationed or temporarily living elsewhere.]

**DO YOU WISH TO PREPARE:**

- A a Will (and selected ancillary documents) [frequently <A>]
- B just a Will
- C just a Living Will (and/or an appointment of an agent for health care decisions)
- D just a general Power of Attorney
- E a Codicil
- F a client interview questionnaire

A B C D E F

Note the option to prepare a Client Interview Questionnaire that you may use as a checklist for your interview with your client.

DL Drafting Libraries  
File Edit Utilities Question Window Help

Wills : C:\DLwin\New.doc  
Virginia Wills Library (Military Version 6.0)

Is this to be a **BASIC WILL** for a person who was never married and has no children, and whose net assets on death will be under \$650,000? [frequently yes]

When the client's assets exceed \$650,000 *or the client has been married before*, select **No** on this screen.

Screen shots of next two screens:

Yes, confirms Basic Will.

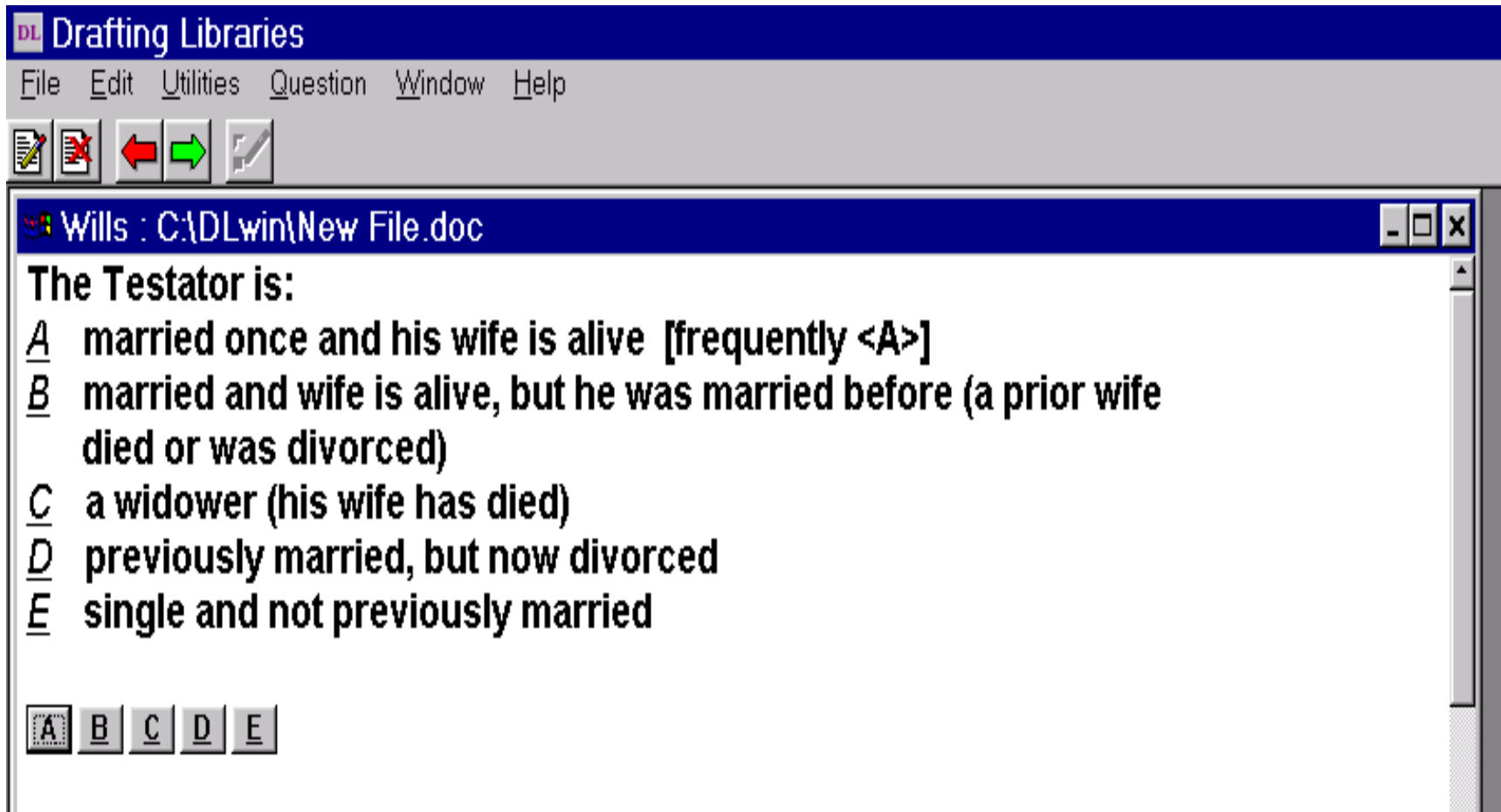
DL Drafting Libraries  
File Edit Utilities Question Window Help

Wills : C:\DLwin\New.doc

Is the Will being prepared for a female (Testatrix), rather than a male (Testator)?

Sets Testator's gender status - *male* in this example.

Describes Testator's current family situation. Married once and wife alive indicated here.



## DL Drafting Libraries

File Edit Utilities Question Window Help



Wills : C:\DLwin\New File.doc

Indicate whether the Testator has children. Include adopted children (and stepchildren) if they are to be treated like natural children. If there are no children, but children are anticipated, elect the option at the bottom of this list.

**Does the Testator have:**

NO children

- 1 child
- 2 children
- 3 children
- 4 children
- 5 children
- 6 children
- 7 children
- 8 children

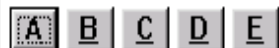


Wills : C:\DLwin\New File.doc

An estimate of the combined assets of the Testator and his wife affects the types of provisions which should be in the Will. For example, you won't be asked about creating a credit shelter trust if the assets are under \$500,000 (i.e., clearly under the unified credit which is \$650,000 in 1999 and thereafter increases to \$1,000,000 by 2006). Clients frequently undervalue or fail to include relevant assets (such as life insurance proceeds or inheritance from others), so you may want to give a higher estimate.

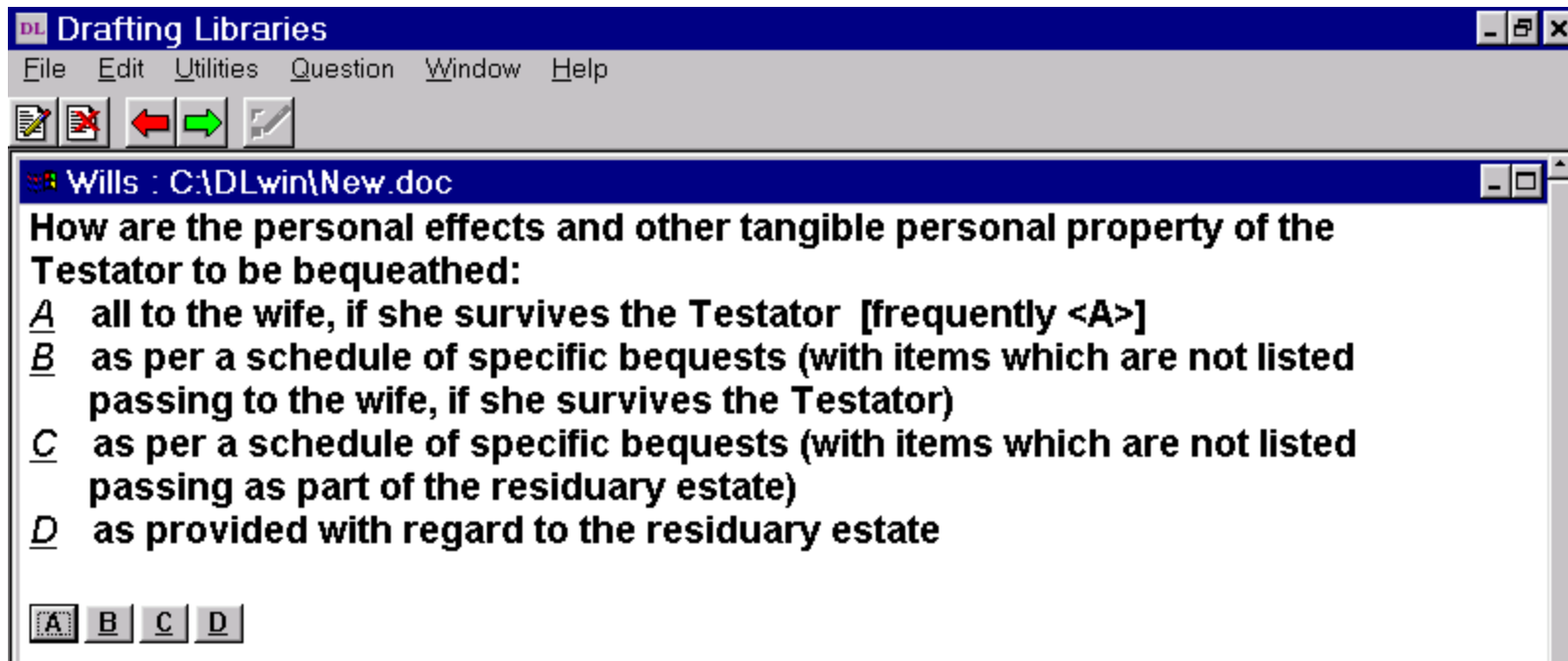
**The estimated value of the combined assets of the Testator and his wife, upon death, probably will be:**

- A under \$500,000 [frequently <A>]
- B between \$500,000 and \$1,000,000
- C over \$1,000,000
- D over \$2,000,000
- E over \$4,000,000

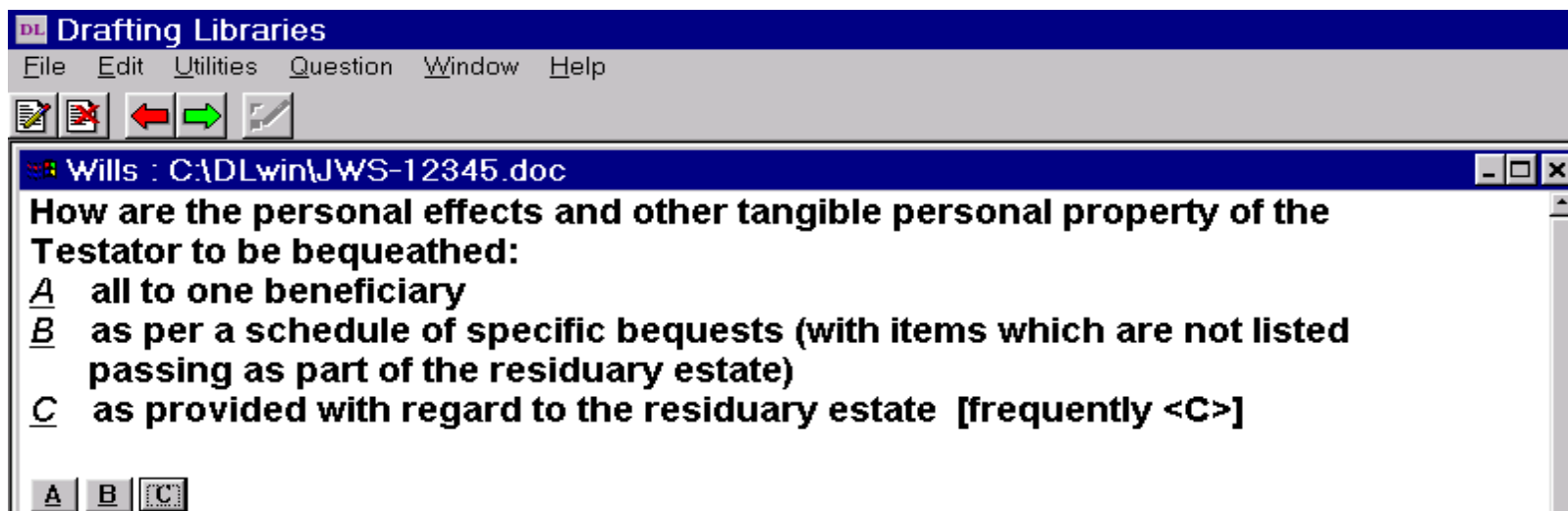


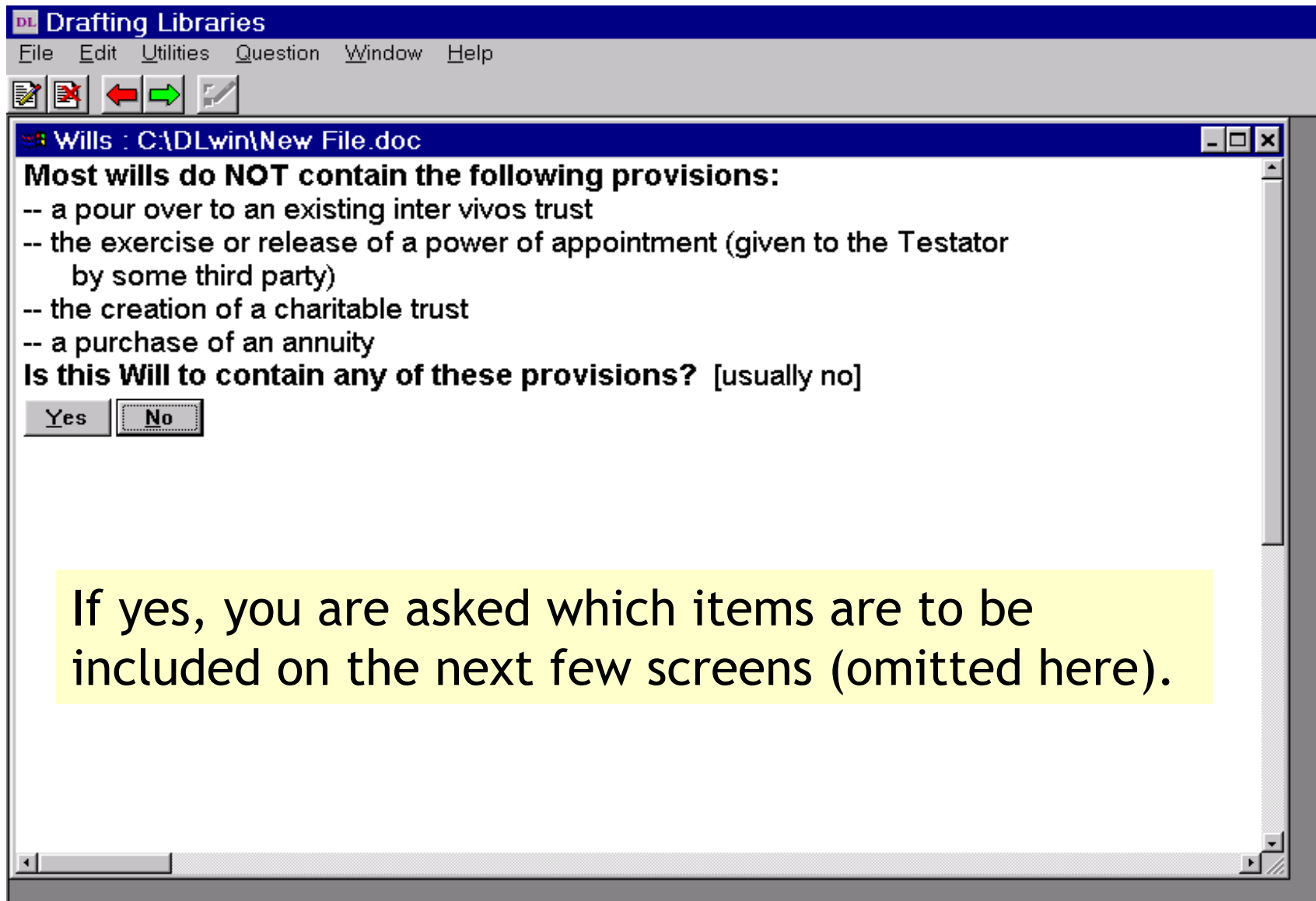
**This screen appears after you answered  
No on the Basic Will Question (slide 17)**

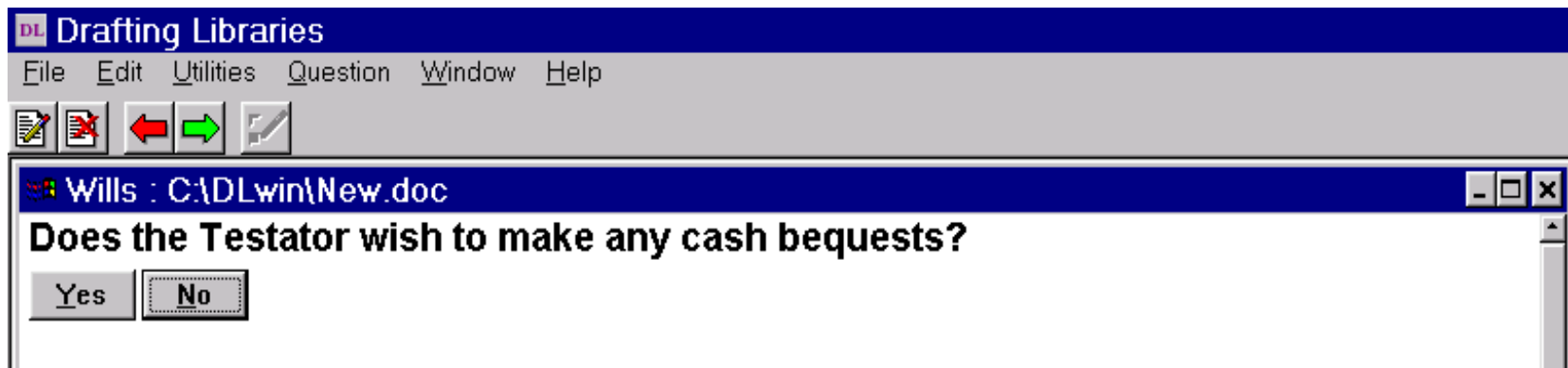




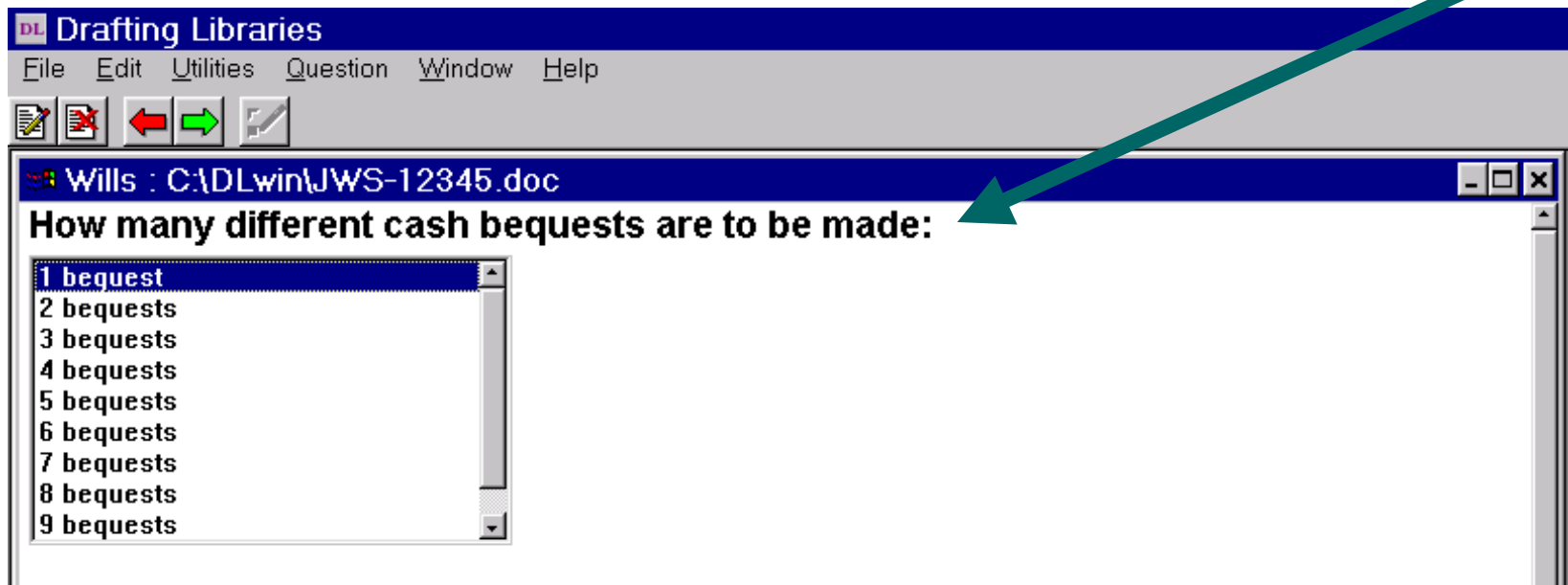
Similar screens -- above when married; below when not



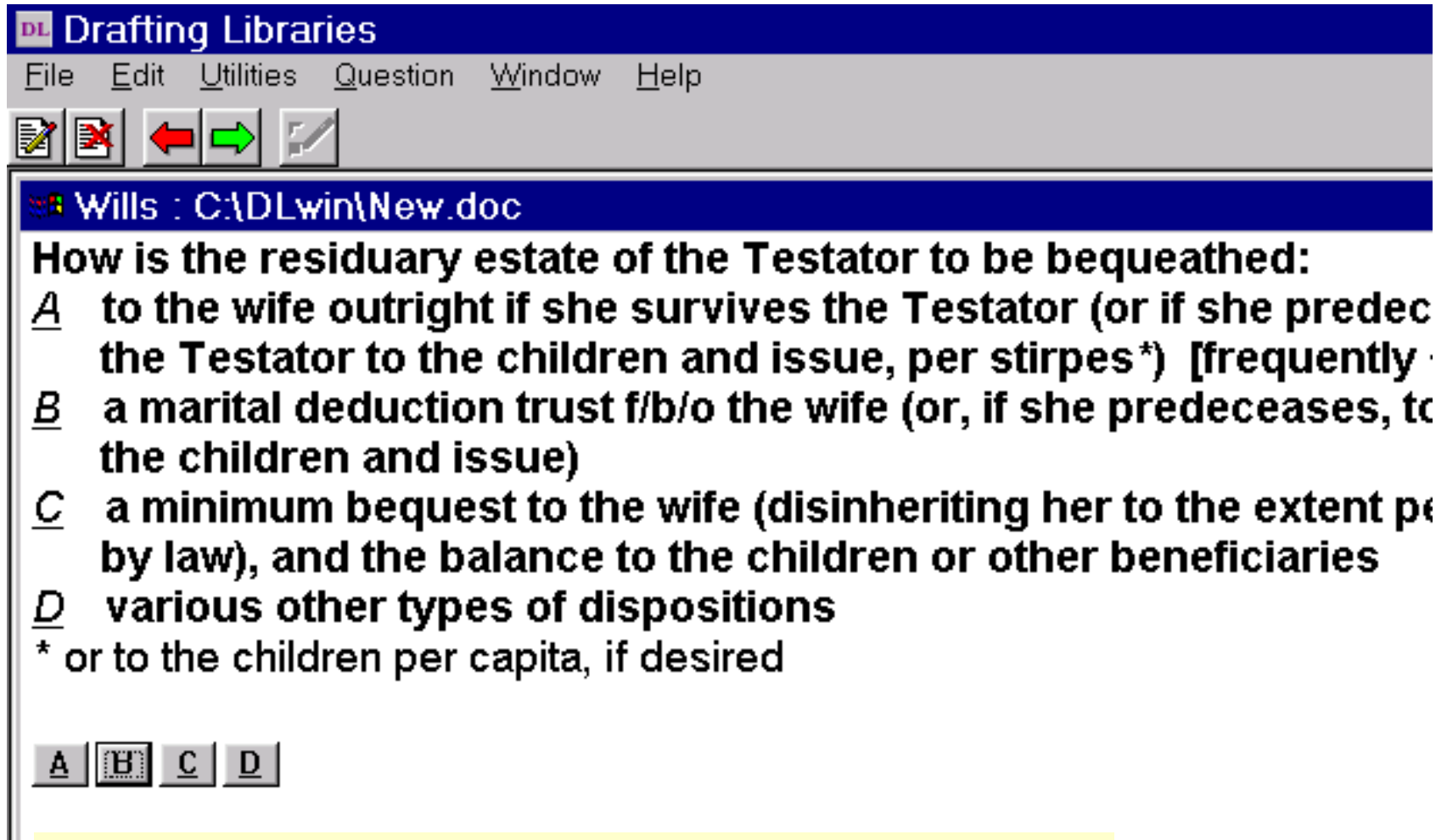




If yes, answer how many different cash bequests - next screen

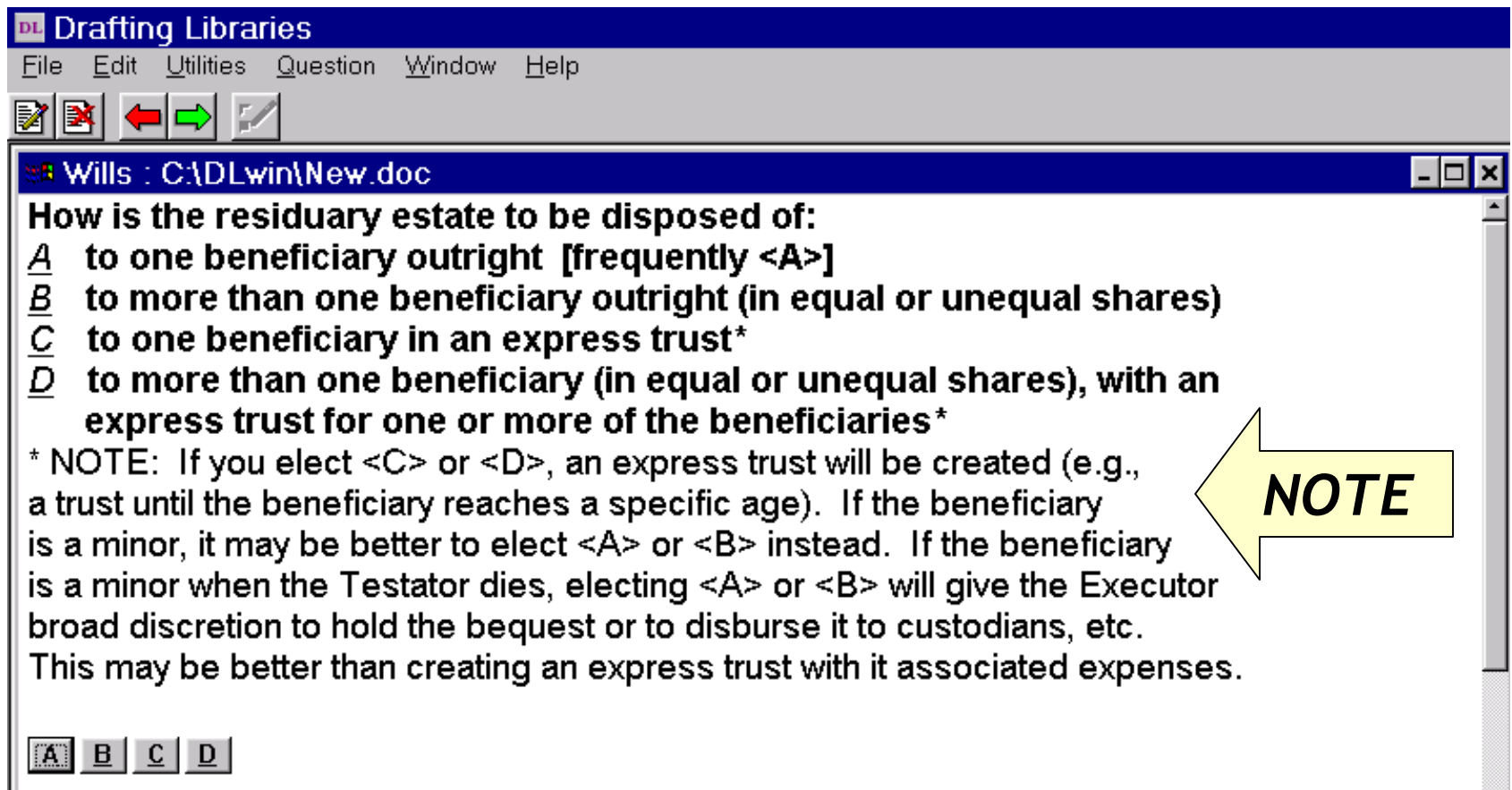


Next two are similar -- first -- *married* Testator



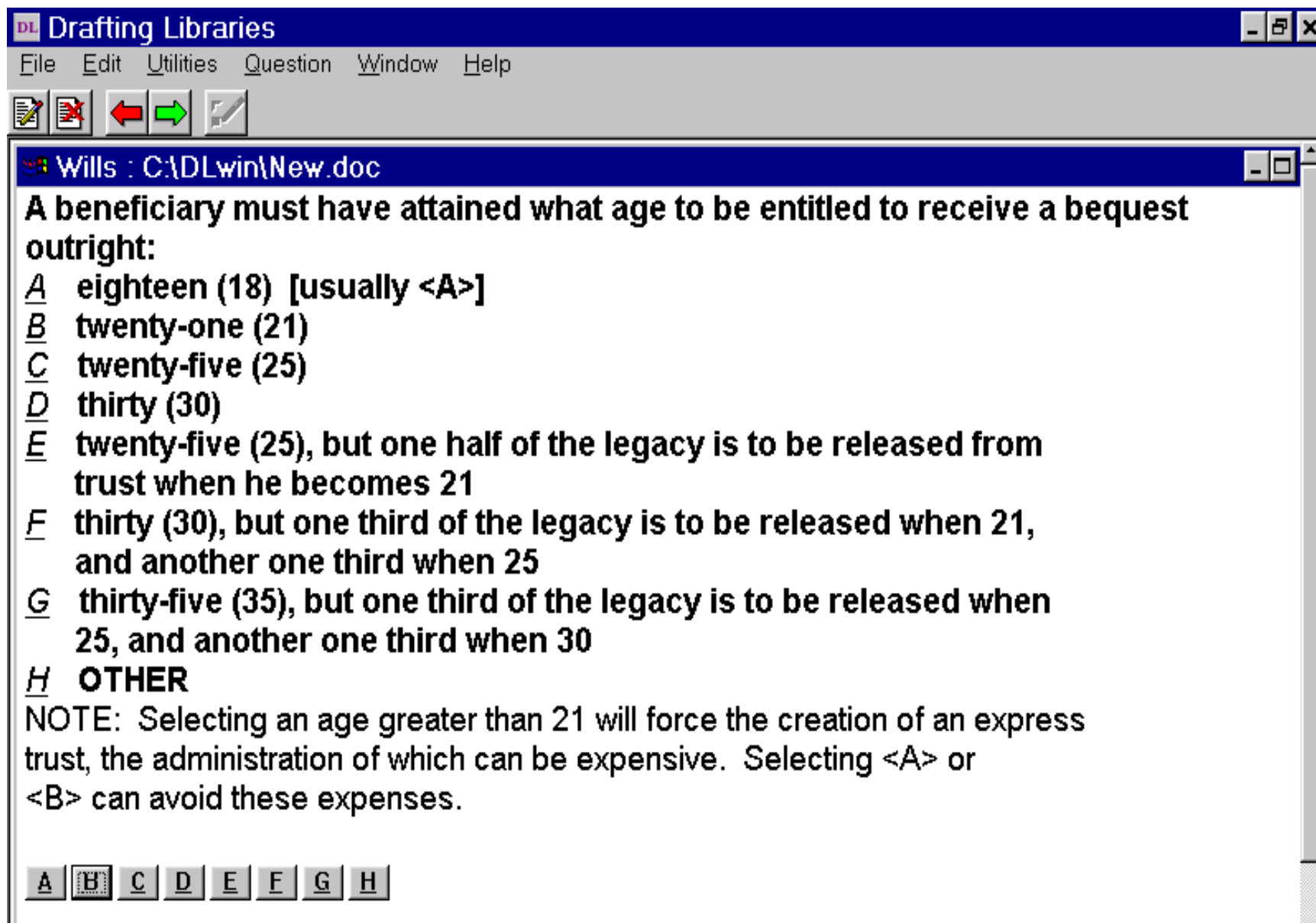
Use this menu, choice B to include a marital deduction or QDOT trust.

## Second of two similar screens -- here Testator unmarried

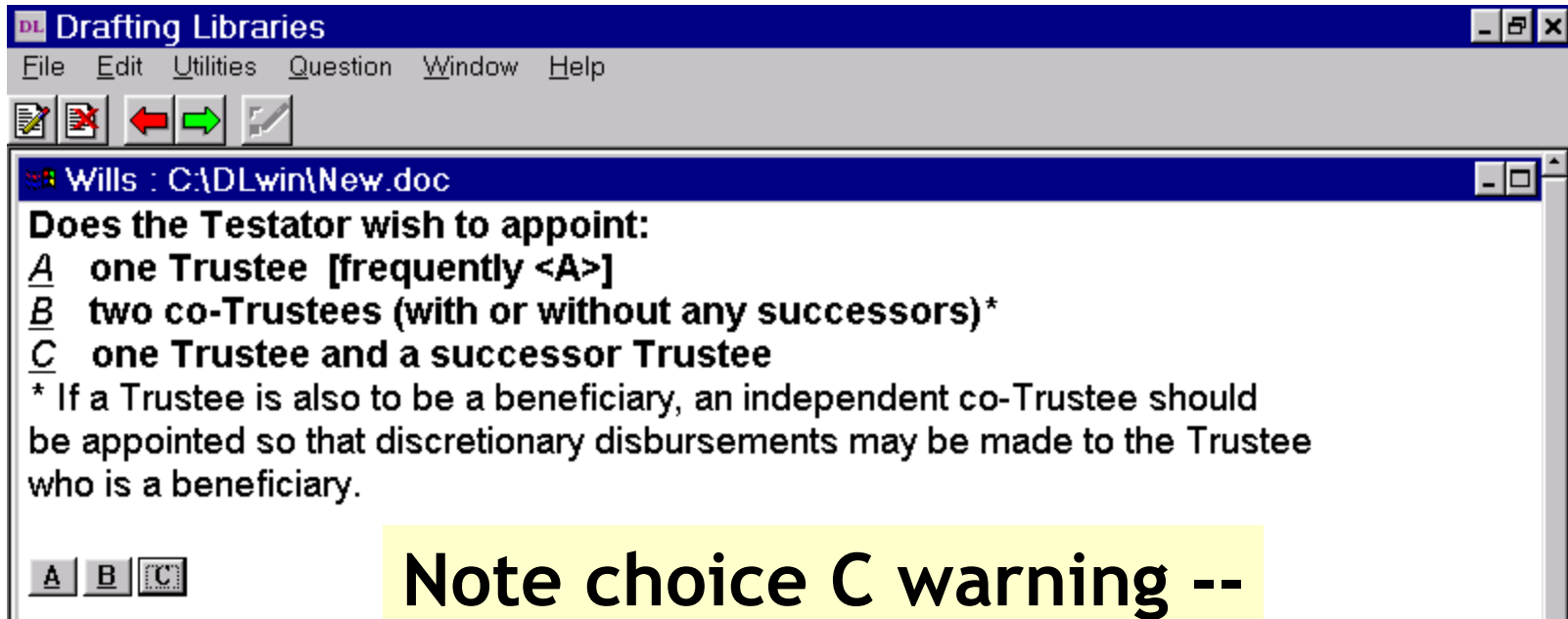


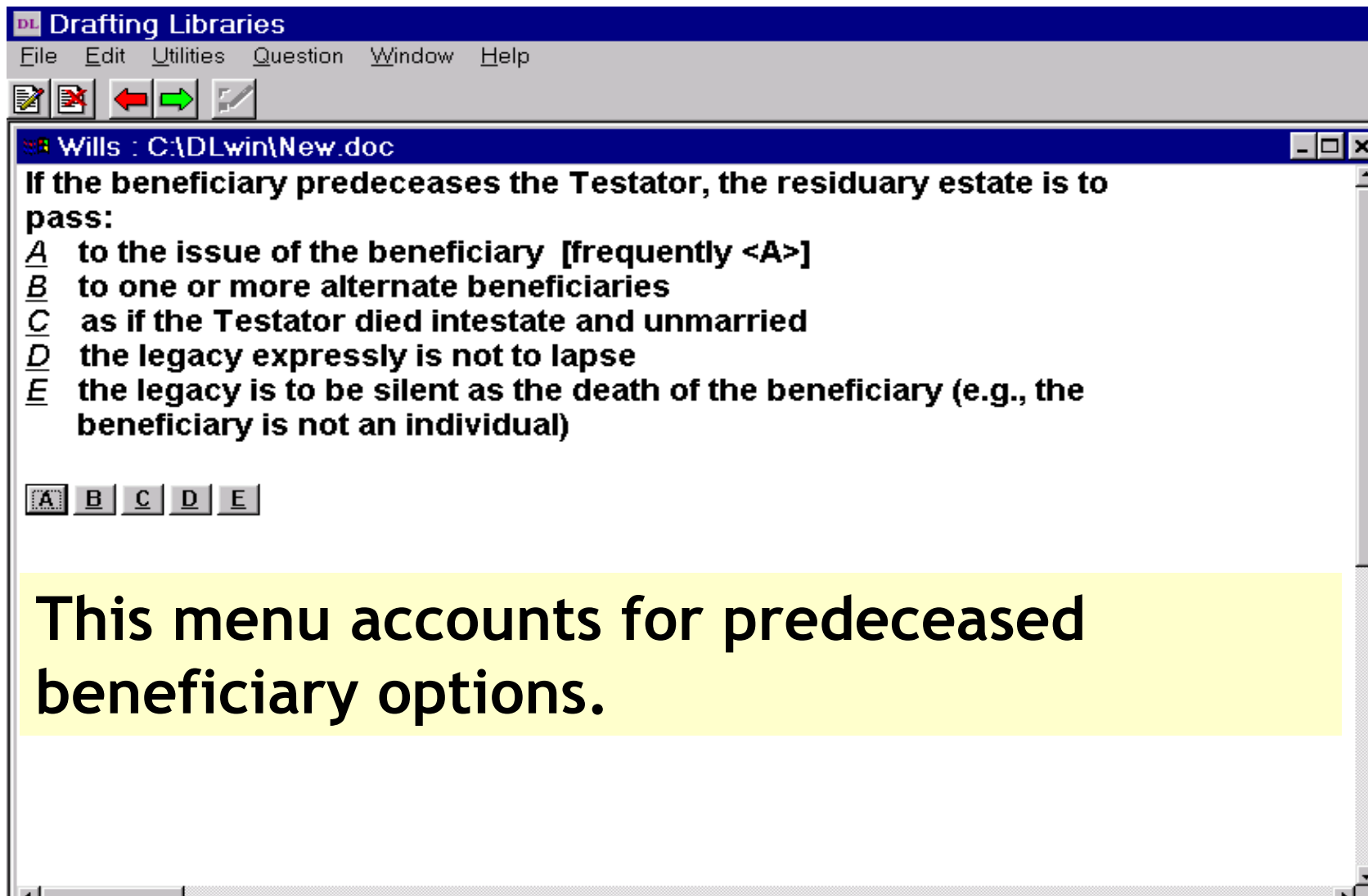
**Use choice C or D on this menu to include a trust.**






# Trustee choices --





**DL Drafting Libraries**  
File Edit Utilities Question Window Help



**Wills : C:\DLwin\New.doc**

If the beneficiary predeceases the Testator, the residuary estate is to pass:

- A to the issue of the beneficiary [frequently <A>]
- B to one or more alternate beneficiaries
- C as if the Testator died intestate and unmarried
- D the legacy expressly is not to lapse
- E the legacy is to be silent as the death of the beneficiary (e.g., the beneficiary is not an individual)

**a**


If said issue are minors, should any bequest to said issue expressly be held in trust (rather than giving broad discretion to hold or disburse the bequest)? [usually no]

**Trust option if minor contingent beneficiary.**

# Guardianship Options

**DL Drafting Libraries**

File Edit Utilities Question Window Help



**Wills : C:\DLwin\Married, w-kids.doc**

The Testator may wish to appoint a Guardian for a child who is a minor upon his death (in case his wife dies).

**Does the Testator wish to appoint:**

A one Guardian for any child who is a minor when the Testator dies [frequently <A>]

B a Guardian and a successor Guardian

C two co-Guardians (with or without any successors)

D no Guardian is to be appointed in the Will

☒ A ☐ B ☐ C ☐ D



## DL Drafting Libraries

File Edit Utilities Question Window Help



Wills : C:\DLwin\New File.doc

Click the **[NEXT QUESTION]** arrow if you wish to just "fill in the blanks" in the document.

DO YOU WISH TO:


- A BOTH further tailor the document AND fill in the blanks
- B further tailor the document, without filling in blanks
- C just fill in the blanks **[frequently <C>]**
- D merely produce a basic form



# Single vs. Separate Trust Choice

**DL Drafting Libraries**

File Edit Utilities Question Window Help



**Wills : C:\DLwin\Married, w-kids.doc**

Rather than having separate trusts for each child, you can create a single trust. This may reduce the Trustee commissions and other expenses to be paid, and enables the Trustee to make unequal payments based upon the needs of each child. A single trust, however, will continue until all children attain twenty-five (25) years of age.

**If any child of the Testator is under twenty-five (25), are the bequests to all of the children to be held in a single trust for the children, rather than having a separate trust for each child under twenty-five (25)?**

# More complex estate planning . . .

**Drafting Libraries**

File Edit Utilities Question Window Help

Wills : C:\DLwin\New File.doc

**Most wills of the type you are preparing do NOT contain any of the following provisions:**

- apportionment of estate taxes; make a 2207A election re estate taxes on a QTIP trust; require a bond from the Executor; request the Executor to waive commissions; pay bank's commission as per its schedule; waive an inventory and accounting; express directions to pay or prepay debts; expressly disinherit someone (other than the wife); cut off a beneficiary who contests the will; a "virtual representation" clause;






**Is this Will to contain any of these provisions?** [usually no]

If yes, other screens inquire for specifics . . .

# Testator's Military Connection

**DL Drafting Libraries**

File Edit Utilities Question Window Help

**Wills : C:\DLwin\Married, w-kids.doc**

**Is the Will to recite that the Testator is:**






- A in the military service [frequently <A>]**
- B retired from military service**
- C married to a wife who is in the military service**
- D married to a wife who is retired from military service**
- E a dependant of someone in the military service**
- F a dependant of someone retired from military service**
- G NONE of the above (or status is not to be recited)**

**A B C D E F G**

# Alternate Beneficiaries

**DL Drafting Libraries**

File Edit Utilities Question Window Help

**Wills : C:\DLwin\Married, w-kids.doc**


The wife and issue of the Testator may predecease him.

**Does the Testator wish to designate one or more alternate beneficiaries?**

# Trust Options

**DL Drafting Libraries**

File Edit Utilities Question Window Help



**Wills : C:\DLwin\Married-Noncitizen Spouse.doc**

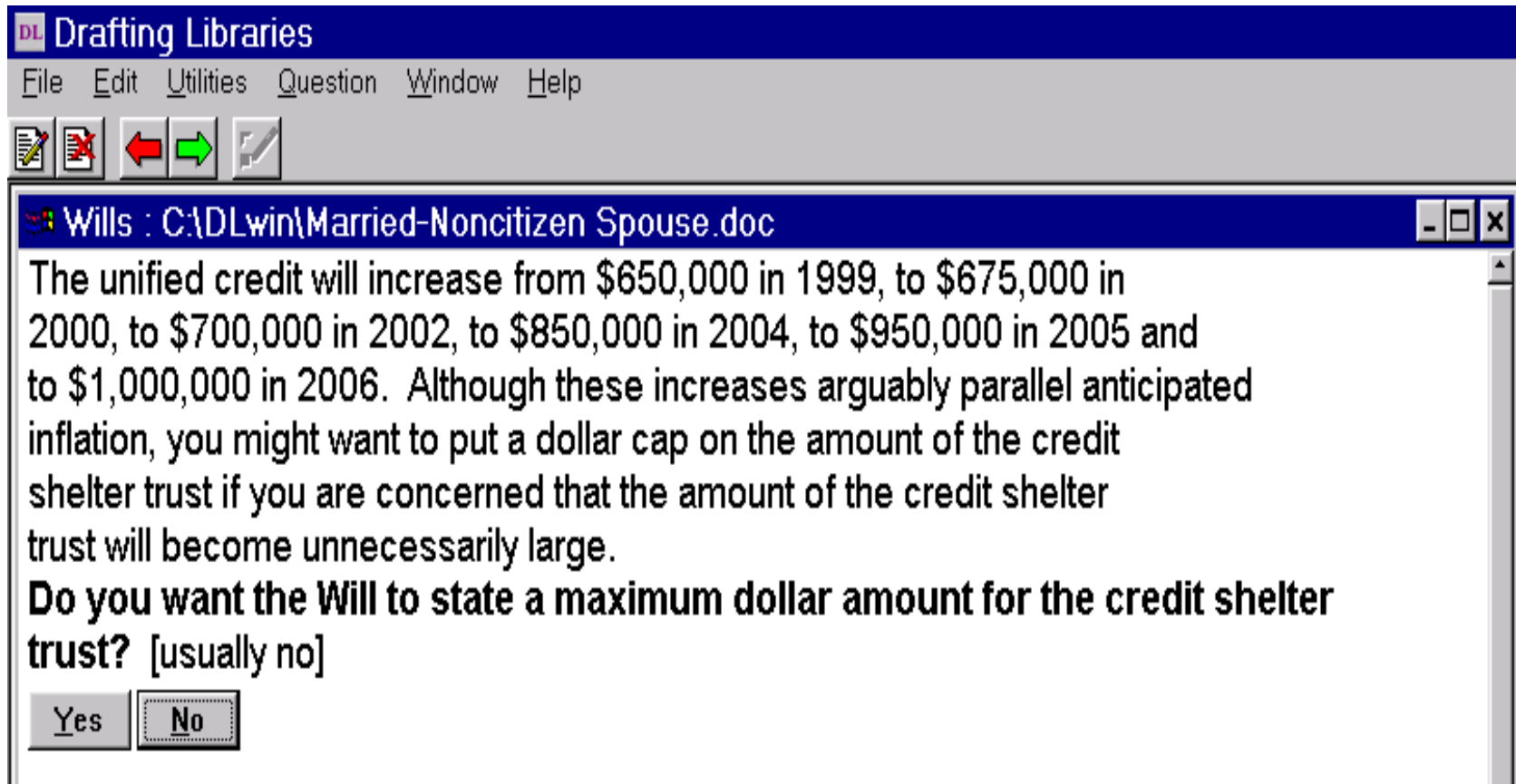
**Does the Testator wish:**

- A **BOTH a credit shelter trust for the benefit of the wife\* and a marital deduction trust [frequently <A>]**
- B **just a marital deduction trust**
- C **a credit shelter trust f/b/o the wife\* and the balance outright to the wife**
- D **a credit shelter trust f/b/o the children (not the wife) or a credit shelter cash bequest to the children [with the balance to the wife or some other beneficiaries]**
- E **other options**

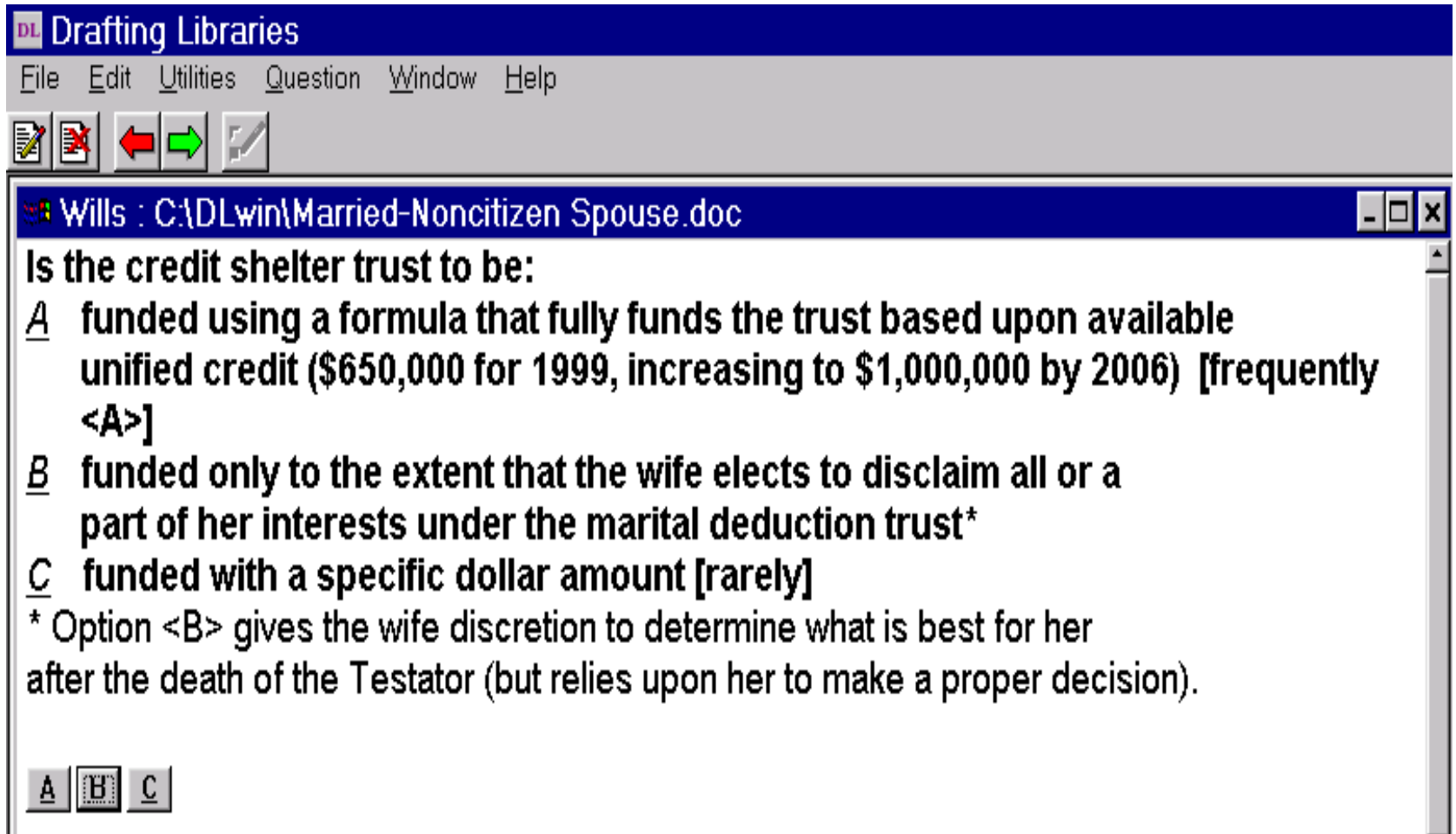
\* If you elect <A> or <C> above, questions will let you make the credit shelter trust f/b/o the children as well as the wife, or create a credit shelter trust funded only to the extent the wife disclaims her bequest.

☐ A ☐ B ☐ C ☐ D ☐ E

# Estate Tax & Trust Funding



# Estate Tax & Trust Funding






# Survivorship Preference

**DL Drafting Libraries**

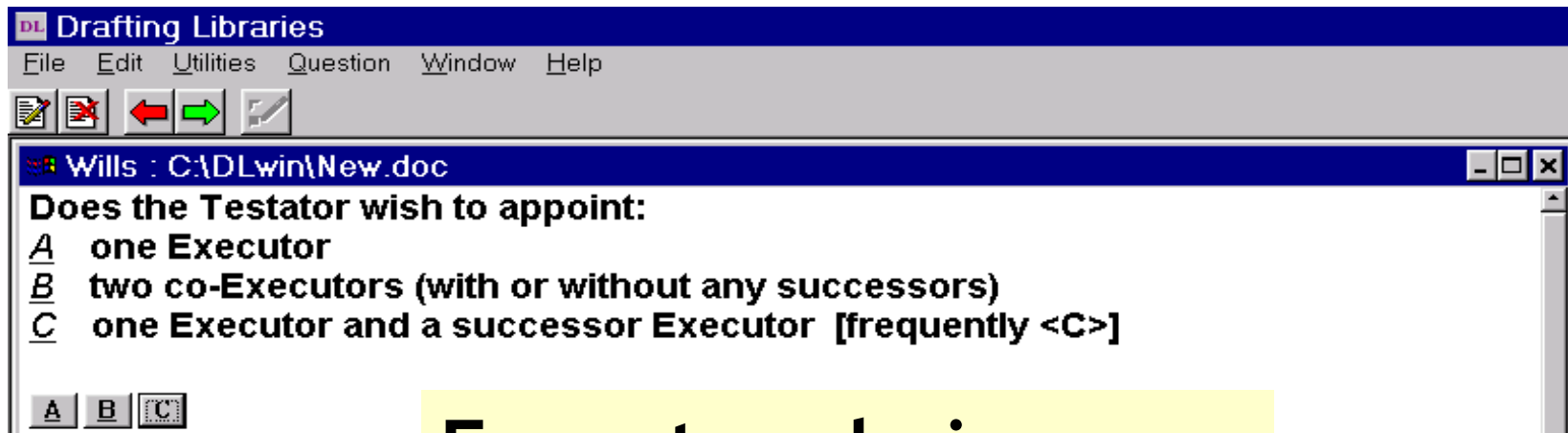
File Edit Utilities Question Window Help



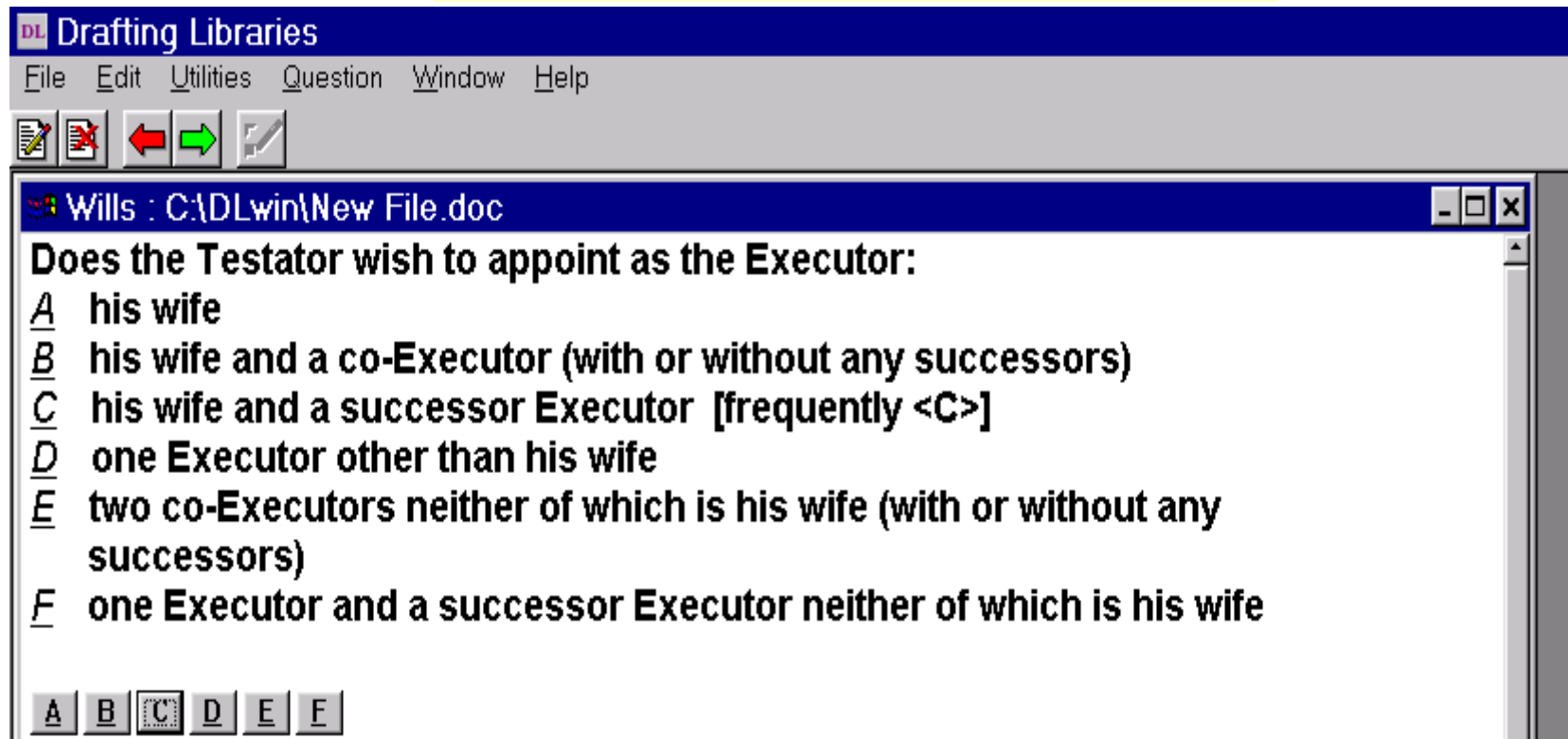
**Wills : C:\DLwin\Married-Noncitizen Spouse.doc**

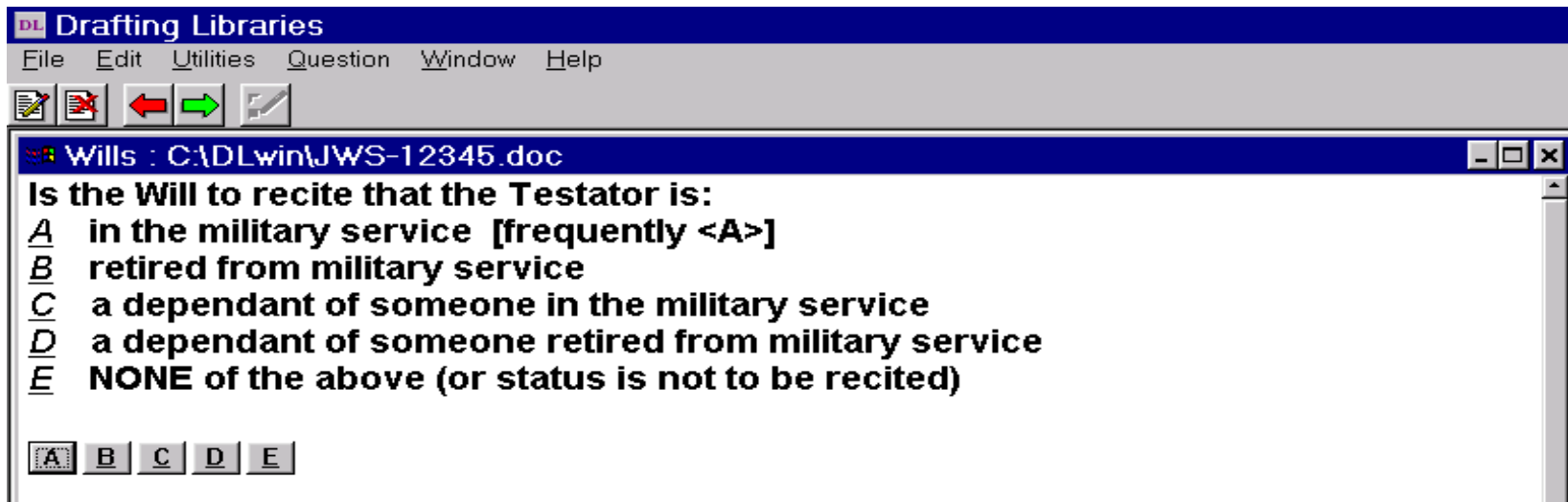
You may want the Will to provide that, if the Testator and his wife die in a common accident, the wife shall be deemed to have survived the Testator. This may reduce the aggregate estate taxes to be paid by the couple. The appropriateness of such a provision depends on factors such as the relative values of the assets of the Testator and his wife, as well as the dispositive provisions of their wills. Generally, if the estate of the Testator is sizable and his wife's estate is modest, it is desirable to include such a provision.

**Do you want the Will to provide that in the event of death in a common accident the wife shall be deemed to have survived the Testator?**

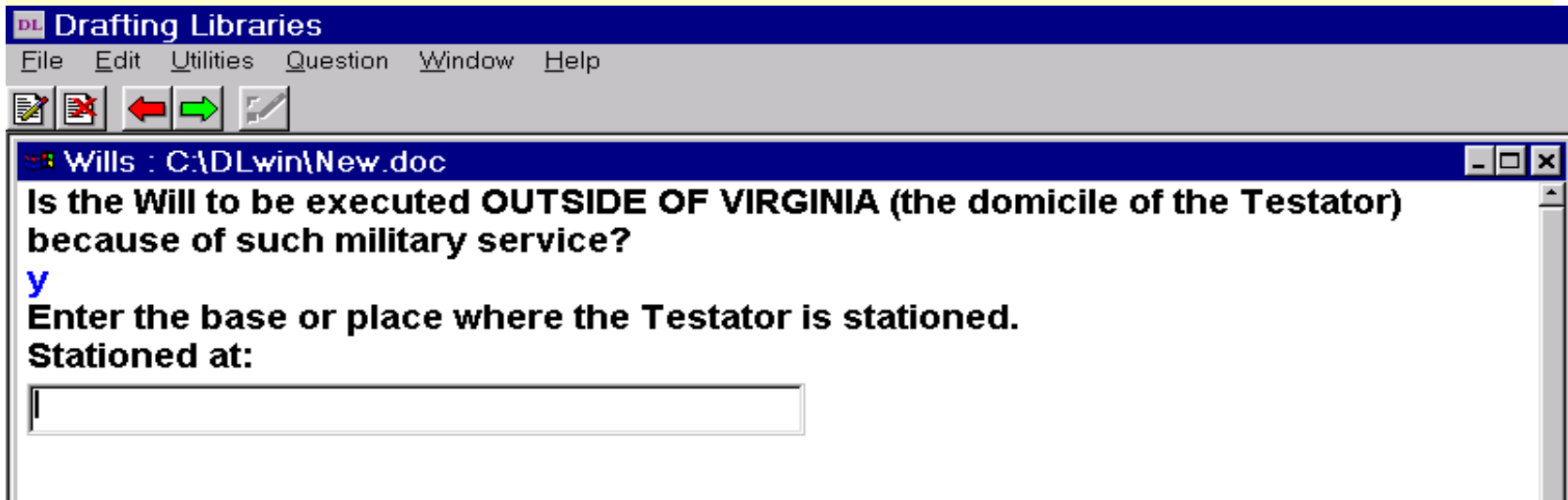


## Executor choices . . .










Choice A or C (above) results in the screen below covering domiciliaries outside the Testator's state of domicile.



## Use this menu to enter the names of the Executor and alternate or successor Executor

**DL Drafting Libraries**  
File Edit Utilities Question Window Help

**Wills : C:\DLwin\New.doc**

NOTE: When answering the fill-in-the-blank questions which follow, you may precede the name with the relationship of the person, if any, to the Testator (e.g., "my brother John Doe"). Omission of the comma prior to the name is suggested.

**Name of Executor:**

**Name of successor Executor:**

# Name the Beneficiary

**DL Drafting Libraries**

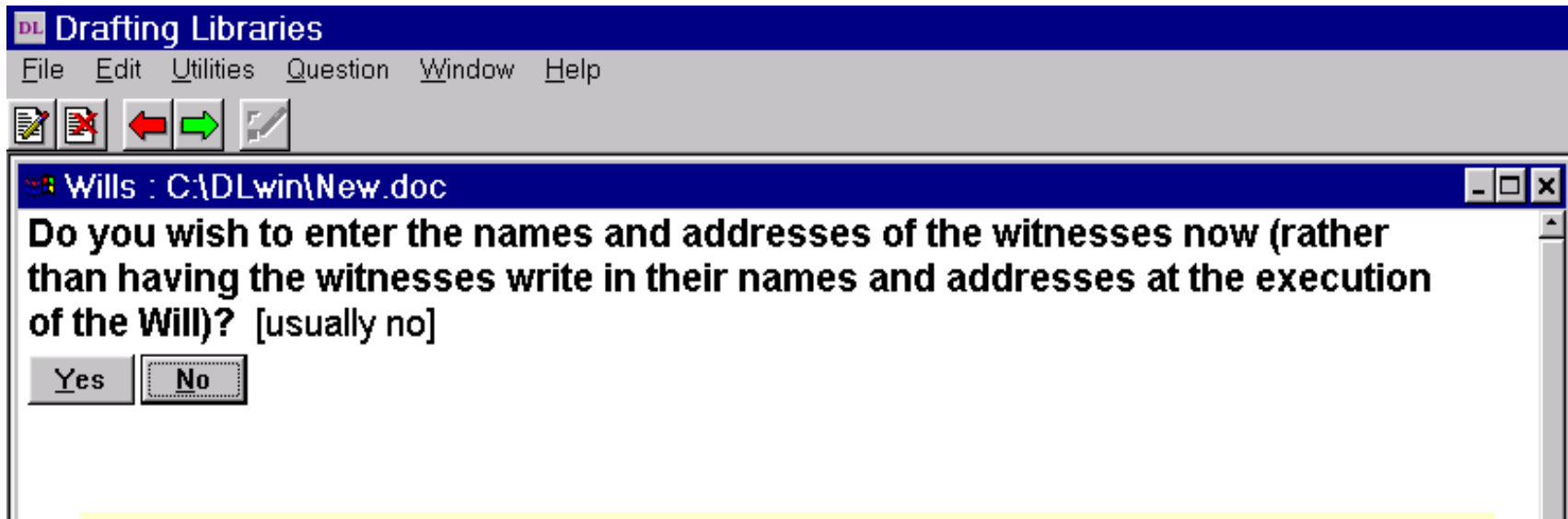
File Edit Utilities Question Window Help

Wills : C:\DLwin\New.doc

**Enter the name of the beneficiary who is to receive the residuary estate.**

**Name:**

# Witnesses



Where you know in advance who will serve as witnesses it will save time to name them here - names can be recalled for other wills.

# ***Ancillary Estate Planning Documents***

**Screens following this one illustrate the menu choices to prepare:**

- **Advance Medical Directive/Living Will**
- **Health Care Power of Attorney**
- **General Power of Attorney**
- **Family Tree Affidavit**
- **Asset List**
- **Execution Checklist**
- **Legal Term Explanatory Memorandum**

# Living Will & Health Care Proxy

The image displays two screenshots of a software application titled "Drafting Libraries". The application has a menu bar with "File", "Edit", "Utilities", "Question", "Window", and "Help". Below the menu bar is a toolbar with icons for a pencil, a red X, a red arrow, a green arrow, and a notepad. The main window title is "Wills : C:\DLwin\New.doc".

**Top Screenshot:**

Does the Testator wish to make a Living Will (a declaration that if he is terminally ill and in a coma, medical treatment should NOT be given to prolong his life) and/or an appointment of an agent to make health care decisions? [frequently yes]

**Bottom Screenshot:**






Some clients want to appoint an agent to make health care decisions, but (for religious or other reasons) do not want a Living Will.

Does the Testator want just an agent to make health care decisions (BUT NOT a Living Will)? [usually no]



# Naming Health Care Proxy






**DL Drafting Libraries**  
File Edit Utilities Question Window Help

**Wills : C:\DLwin\New.doc**

**Do you know who the Testator wishes to designate as his agent to make health care decisions? [frequently yes]**

**DL Drafting Libraries**  
File Edit Utilities Question Window Help

**Wills : C:\DLwin\New.doc**

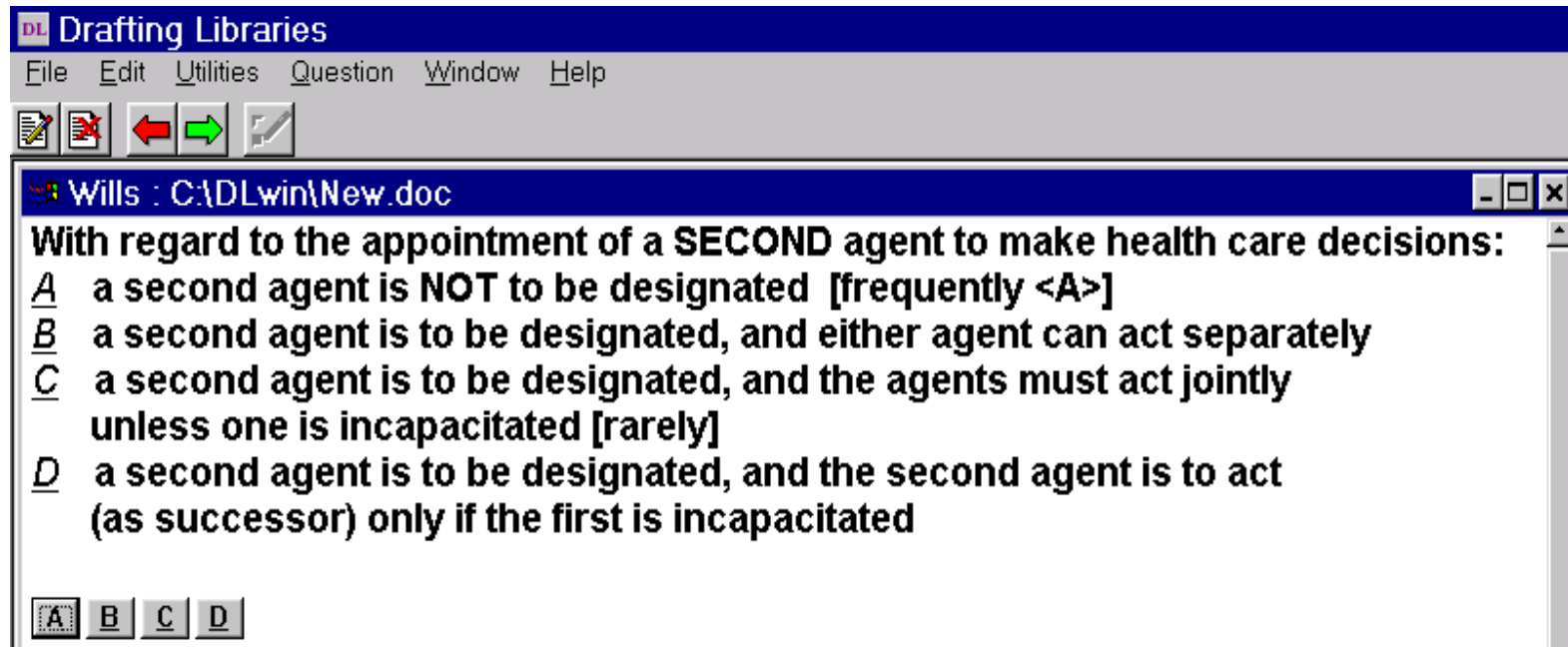
**Name of Agent:**

**Street Address:**

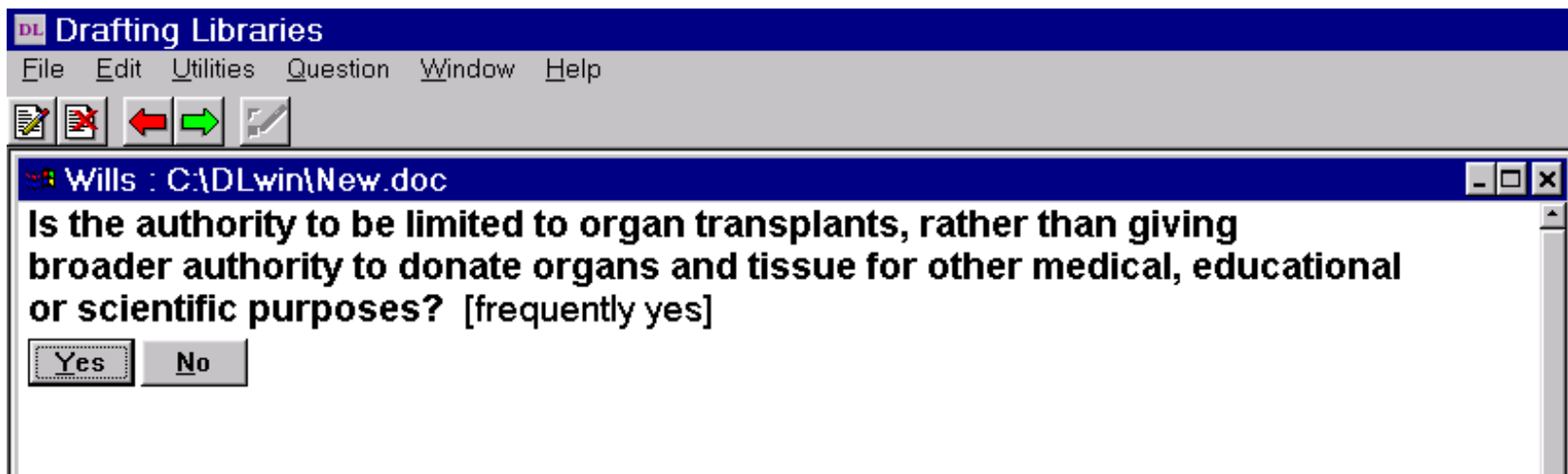
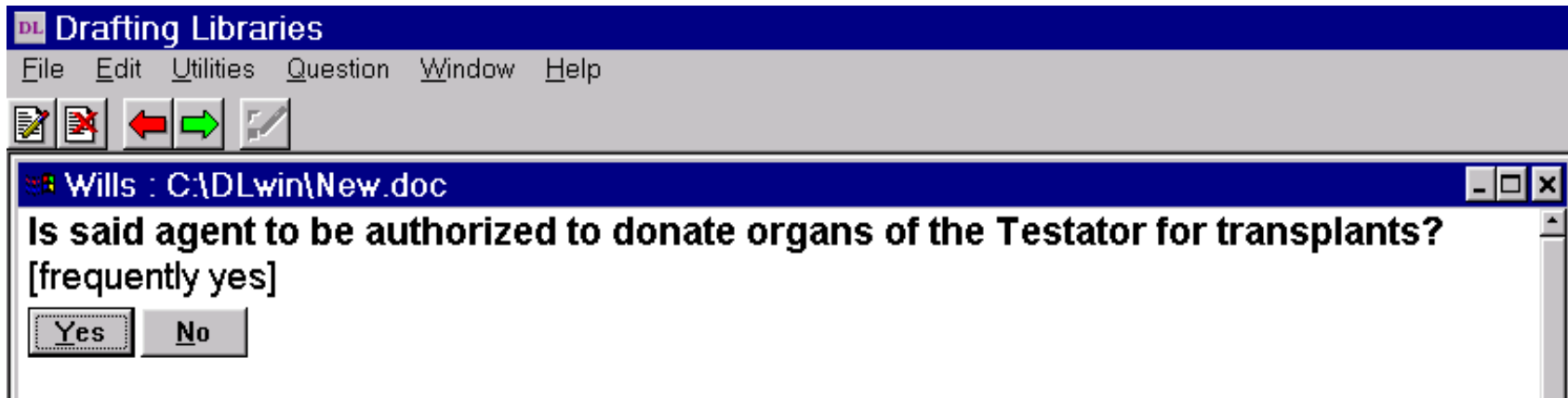
**City, State ZIP:**

**Tele. No. (or click the [NEXT QUESTION] arrow):**

# Naming Second/Successor Health Care Proxy



# Agent's Authority



# Living Will Features

**DL Drafting Libraries**  
File Edit Utilities Question Window Help

Wills : C:\DLwin\New.doc

**Is the living will to express a desire by the Testator to die at home rather than in a hospital?**

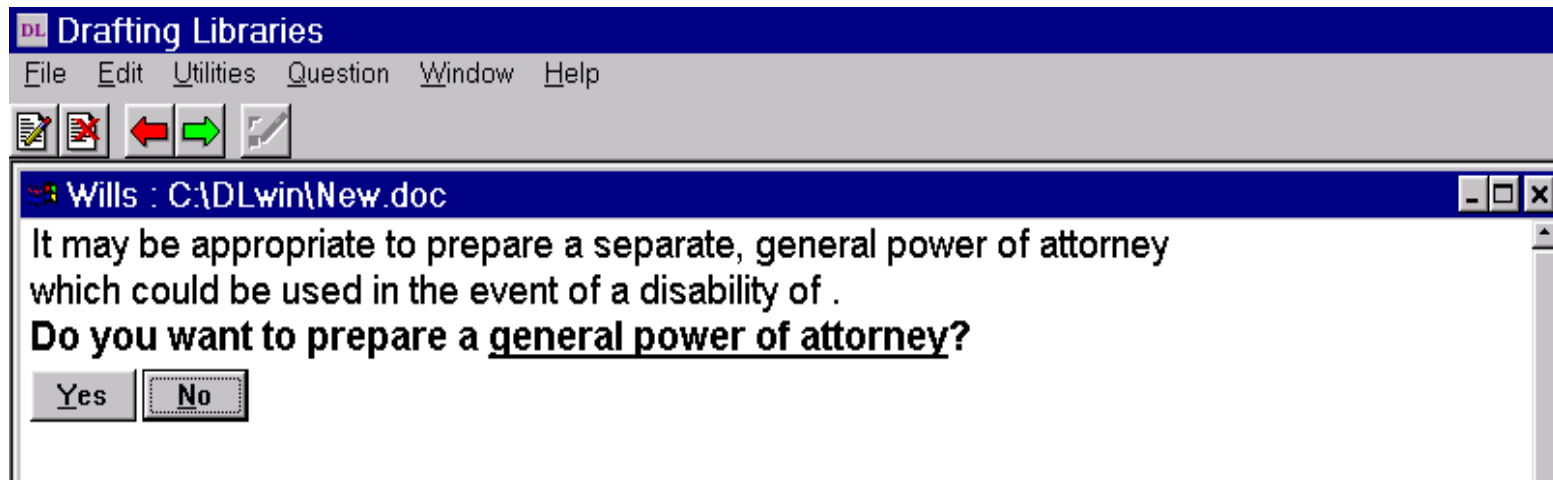
**DL Drafting Libraries**  
File Edit Utilities Question Window Help

Wills : C:\DLwin\New.doc

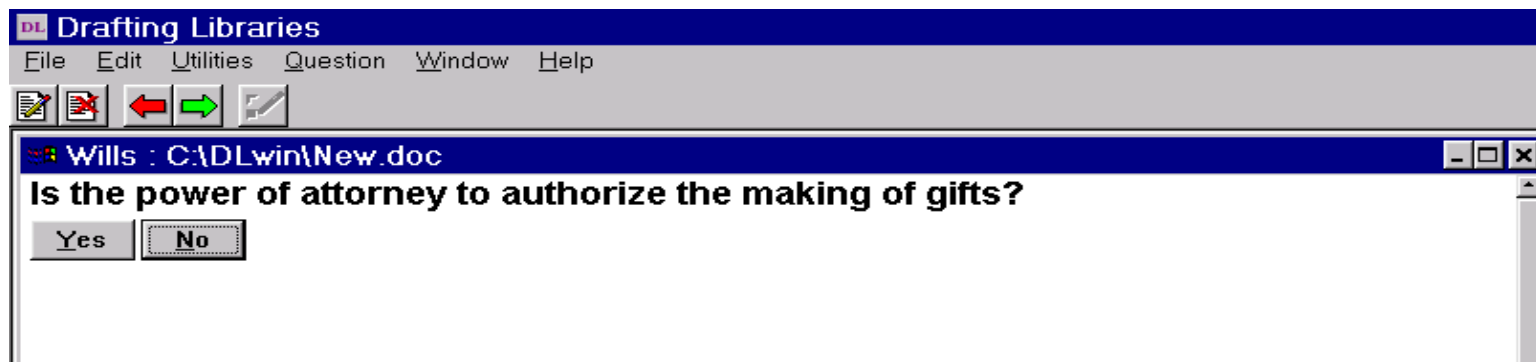
The Will you are preparing is for a resident of **Virginia**. The living will could be governed by the laws of some other State. For example, if the Testator probably would be hospitalized in a State other than Virginia, you might wish to have the living will governed by the laws of the State in which that hospital is located.

**Do you wish to have the living will governed by the laws of a State OTHER THAN VIRGINIA?**

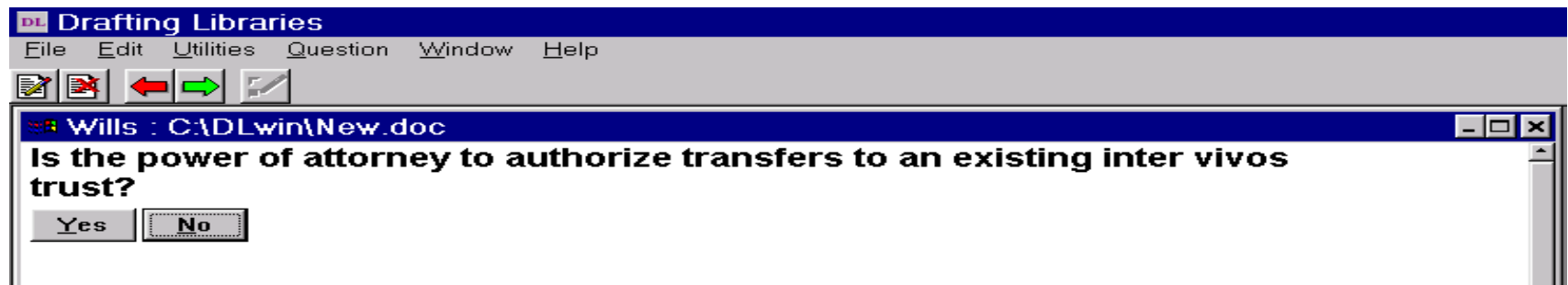
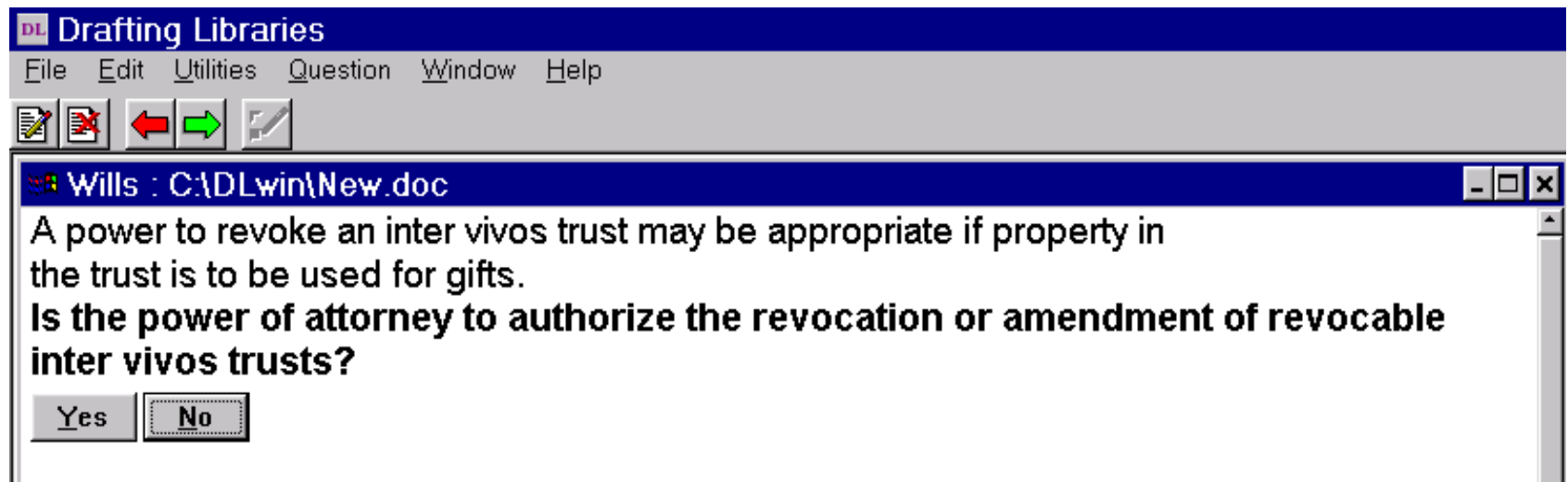
**Choice of Law**



If yes, answer a series of questions about the POA- next screen



## *More specifics on General POA -*



## *More specifics on General POA -*

DL Drafting Librar

File Edit Utilities Question Window Help



Wills : C:\DLwin\New.doc

**Is the power of attorney to authorize payment of taxes, filing of returns and other tax matters?**

Yes

No

DL Drafting Libraries

File Edit Utilities Question Window Help



Wills : C:\DLwin\New.doc

**Is the power of attorney to provide detailed powers with respect to retirement benefit plans and IRA's?**

Yes

No

DL Drafting Libraries

File Edit Utilities Question Window Help



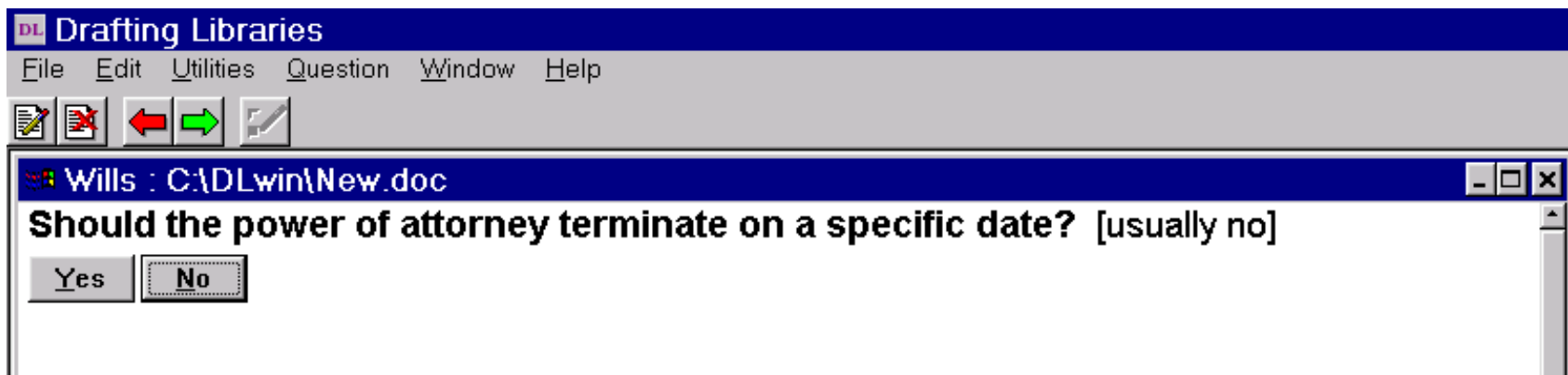
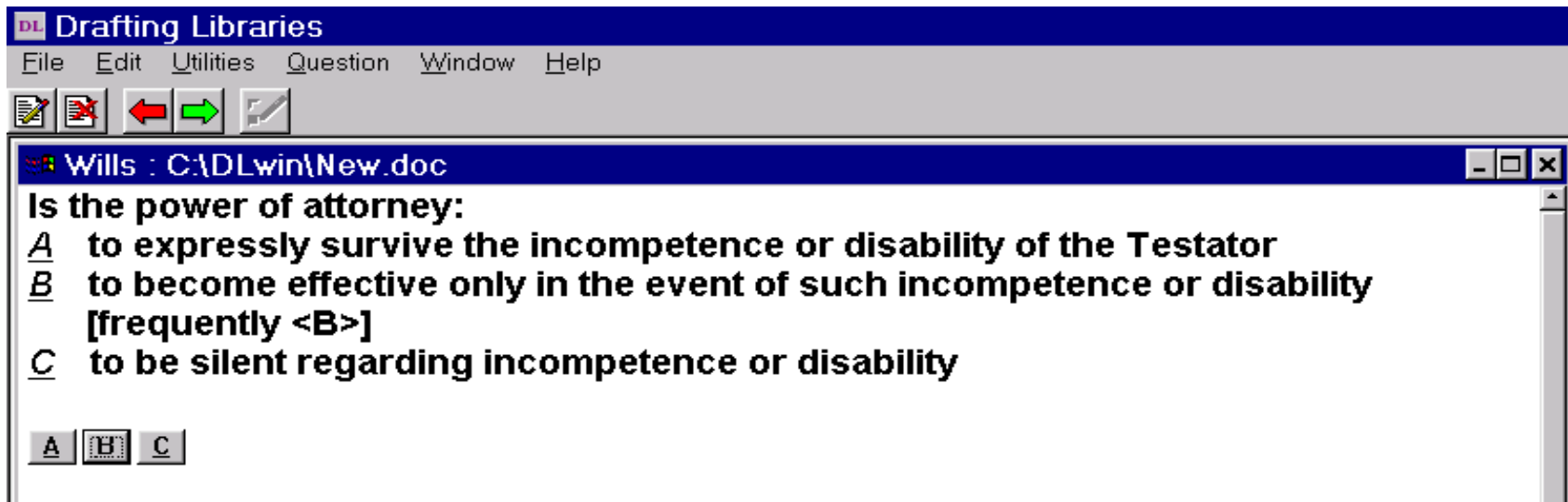
Wills : C:\DLwin\New.doc

**Is the power of attorney to authorize sell or dispose of a specific parcel of real estate?**

Yes

No






## *More specifics on General POA -*





# Attorney-in-fact

**DL Drafting Libraries**  
File Edit Utilities Question Window






**Wills : C:\DLwin\New.doc**

**Enter the name of the attorney-in-fact.**  
**Name:**

**Street Address:**

**City, State ZIP:**

**DL Drafting Libraries**  
File Edit Utilities Question Window Help

**Wills : C:\DLwin\New.doc**

**With regard to the appointment of a SECOND attorney-in-fact:**

A a second attorney-in-fact is NOT to be designated [frequently <A>]  
B a second attorney-in-fact is to be designated, and either attorney-in-fact can act separately  
C a second attorney-in-fact is to be designated, and they must act jointly unless one is incapacitated [rarely]  
D a second attorney-in-fact is to be designated, and the second attorney-in-fact is to act (as successor) only if the first is incapacitated

☐ **A** ☐ **B** ☐ **C** ☐ **D**

**DL Drafting Libraries**  
File Edit Utilities Question Window Help

Wills : C:\DLwin\New.doc

**Enter the address of the Testator.**  
**Street Address:**

**City, State ZIP:**

**DL Drafting Libraries**  
File Edit Utilities Question Window Help






Wills : C:\DLwin\New.doc

**Does the Testator wish to express his desires regarding funeral arrangements?**  
[usually no]

Not usually a good idea to include in the will  
- better to indicate in a letter of instruction.

# Execution Details






**DL Drafting Libraries**  
File Edit Utilities Question Window Help

**Wills : C:\DLwin\New.doc**

**Are acknowledgments to be taken by a person authorized under 10 U.S.C. 1044a, rather than a notary public?**

**DL Drafting Libraries**  
File Edit Utilities Question Window Help

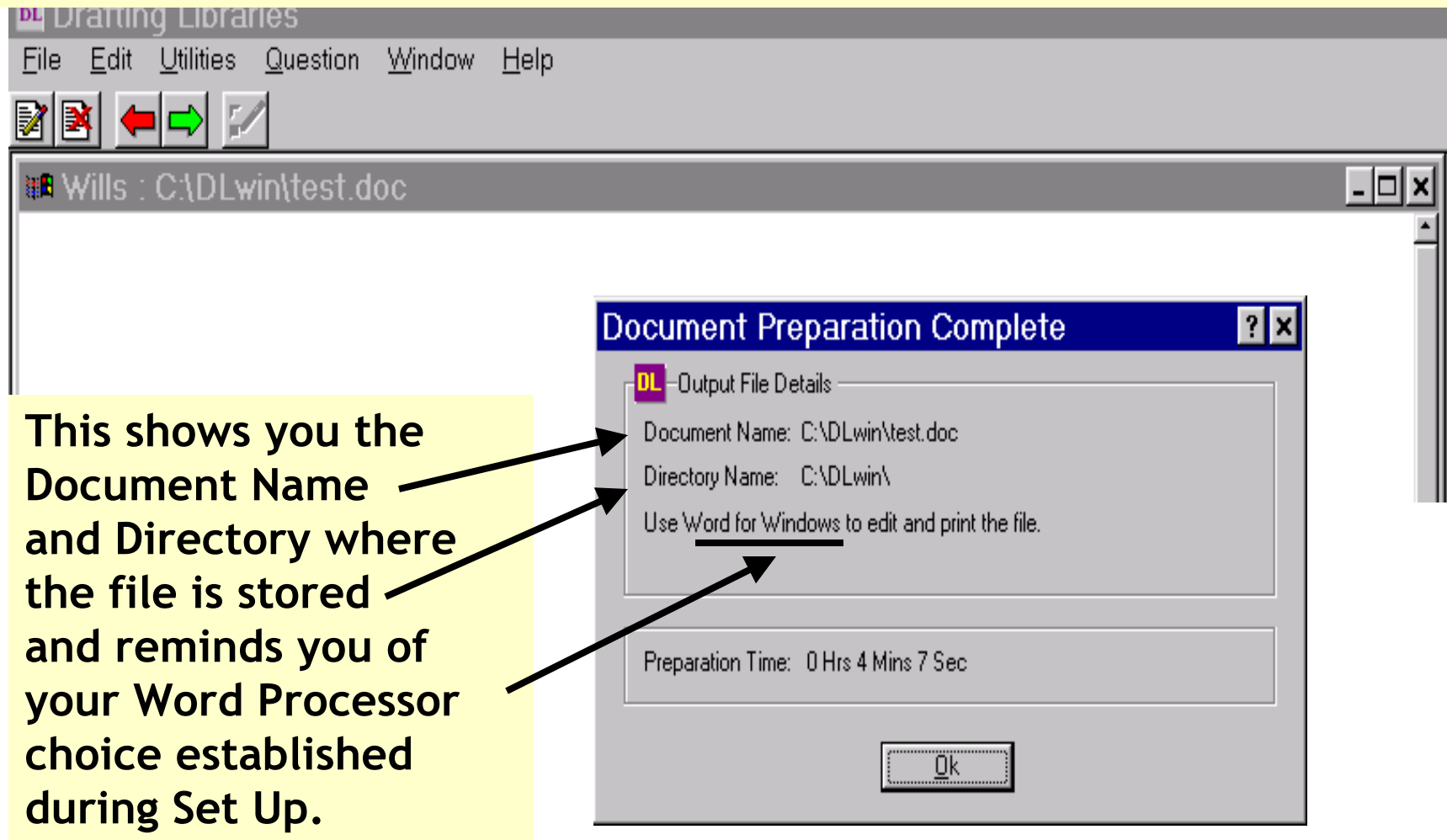
**Wills : C:\DLwin\New.doc**

A "venue" precedes acknowledgments and sworn statements to identify the place where the document is executed. Since the Will is being executed outside of Virginia the proposed venue will be blank (other than the ss.), like the following sample, unless you elect to change it:

, ss.

**Do you wish to fill in the venue? [frequently yes]**

After finishing the will (and ancillary documents), *DL Wills* shows you this completion notice.





Wills : C:\DLwin\RC Workshop Will.doc

## Question



Would you like to save the answers you have entered for this document?

Yes

No



Wills : C:\DLwin\RC Workshop Will.doc

## Save Index



If you wish to save the answers for the document you just prepared, click the <Save> button, otherwise click <Cancel>. You can add a comment to help you identify the answers.

Index File Name: DL-N22.DLX

Current Directory: C:\DLwin

Change

Comment:

Cancel

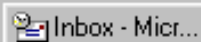
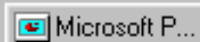
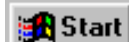
Save

Network ID: ADA12

Num

Ins

Scr



6:07 PM



Wills : C:\DLwin\RC Workshop Will.doc

## Save Index



If you wish to save the answers for the document you just prepared, click the <Save> button, otherwise click <Cancel>. You can add a comment to help you identify the answers.

Index File Name: DL-N22.DLX

Current Directory: C:\DLwin

Change

Comment: COL HARDCHARGER

Cancel

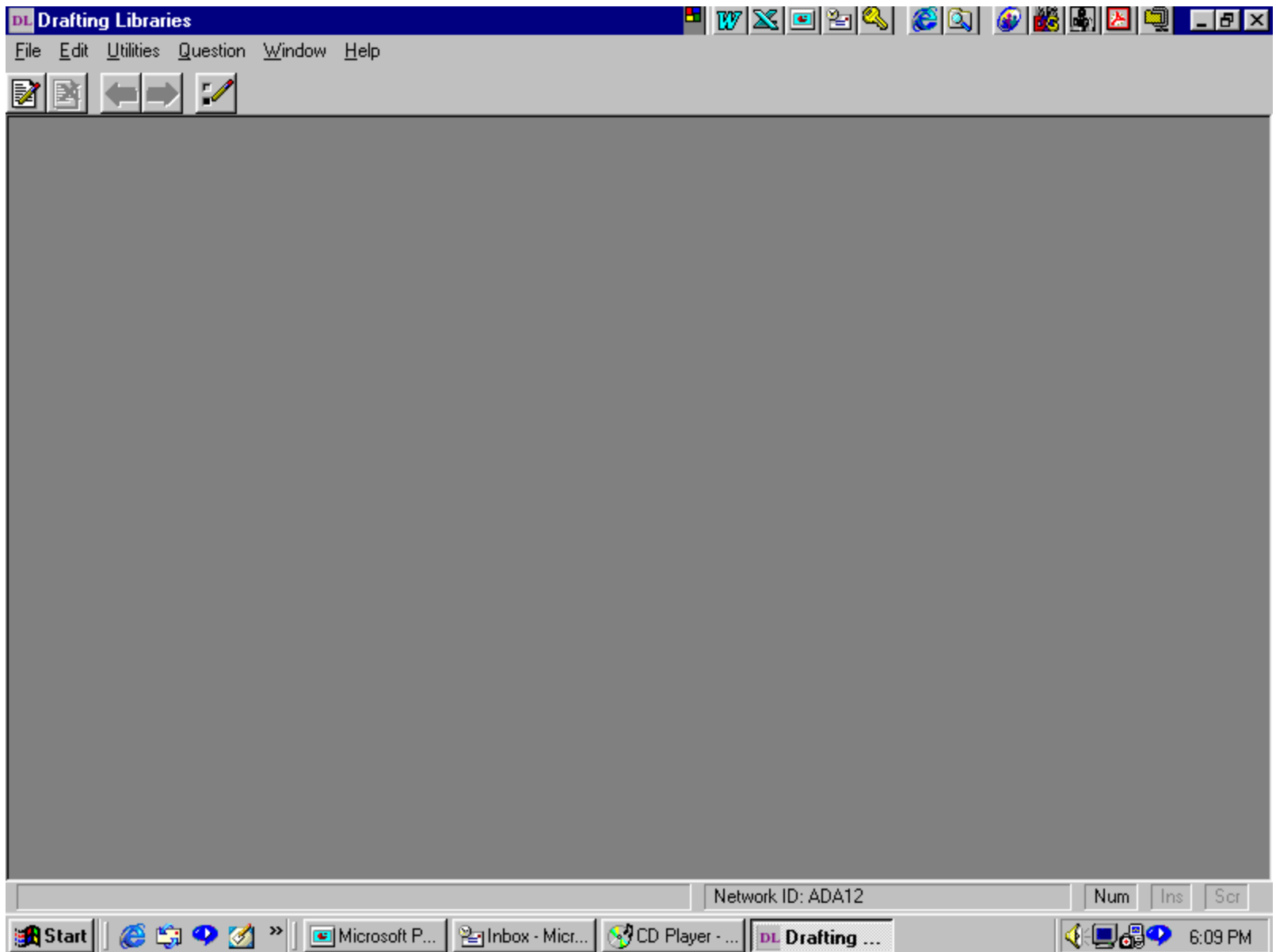
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Network ID: ADA12

Num

Ins

Scr





DL Drafting Libraries

File Edit Utilities Question Window Help

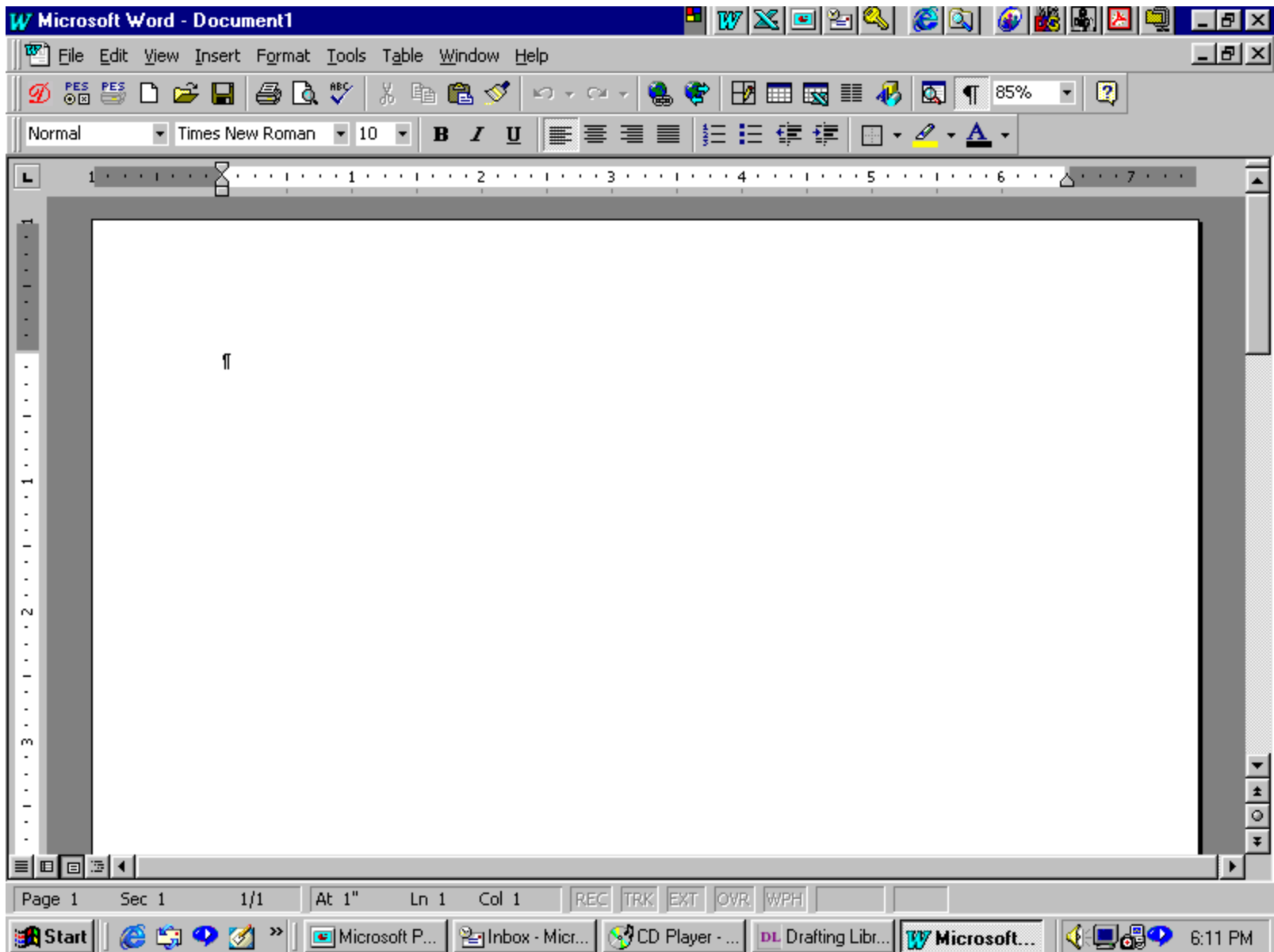


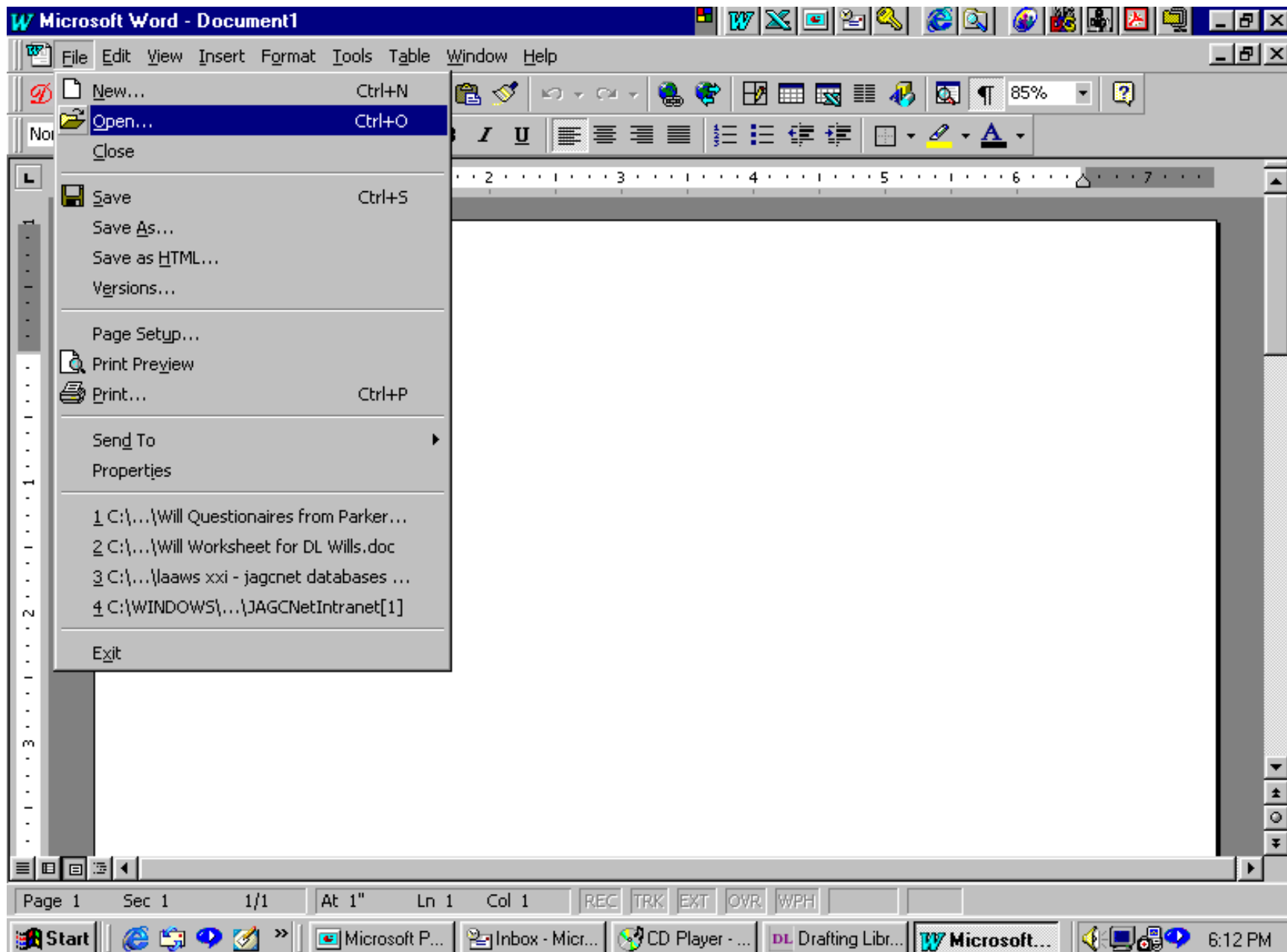
Microsoft Word

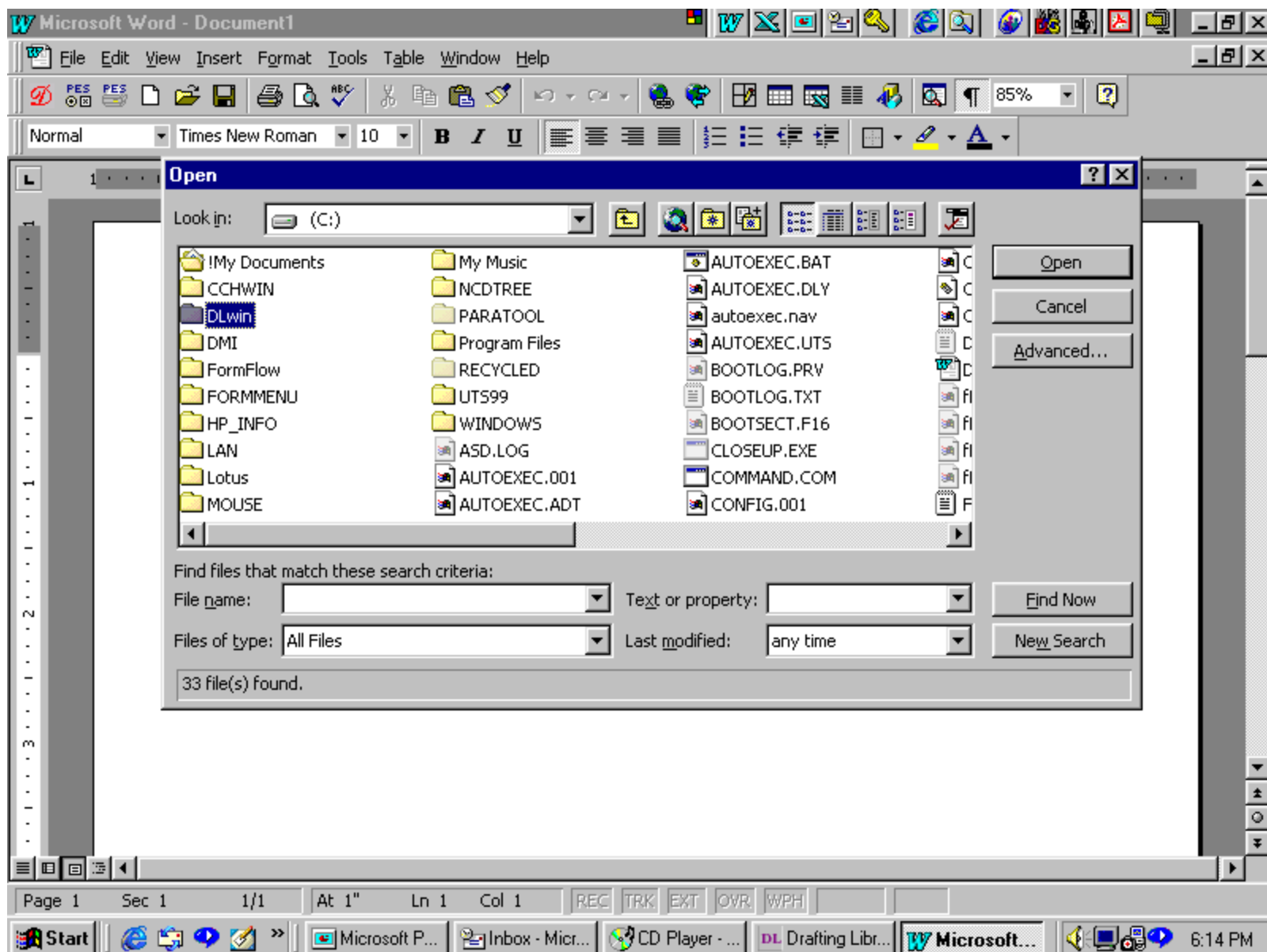
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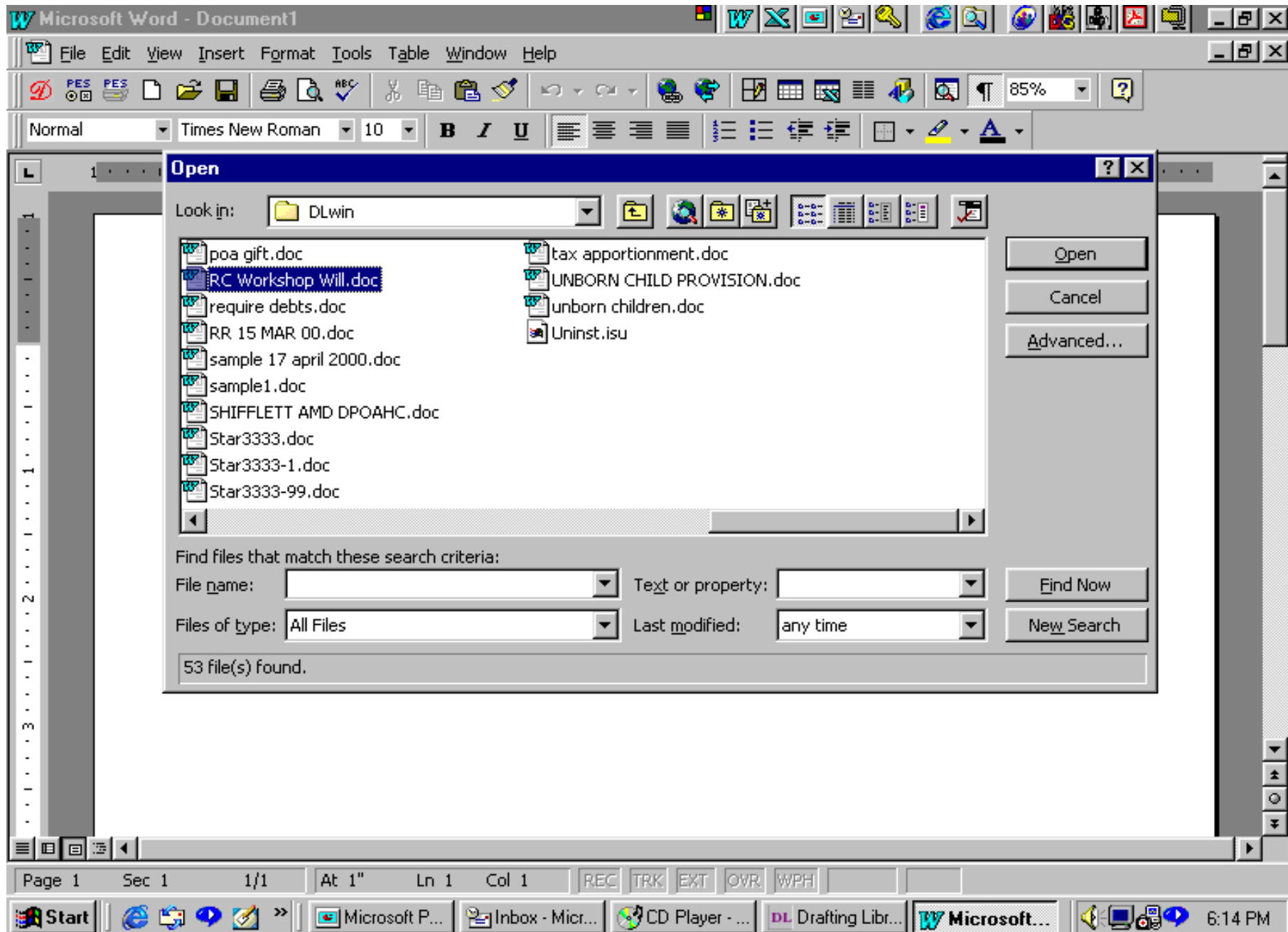
Start Microsoft P... Inbox - Mic... CD Player - ... DL Drafting ...

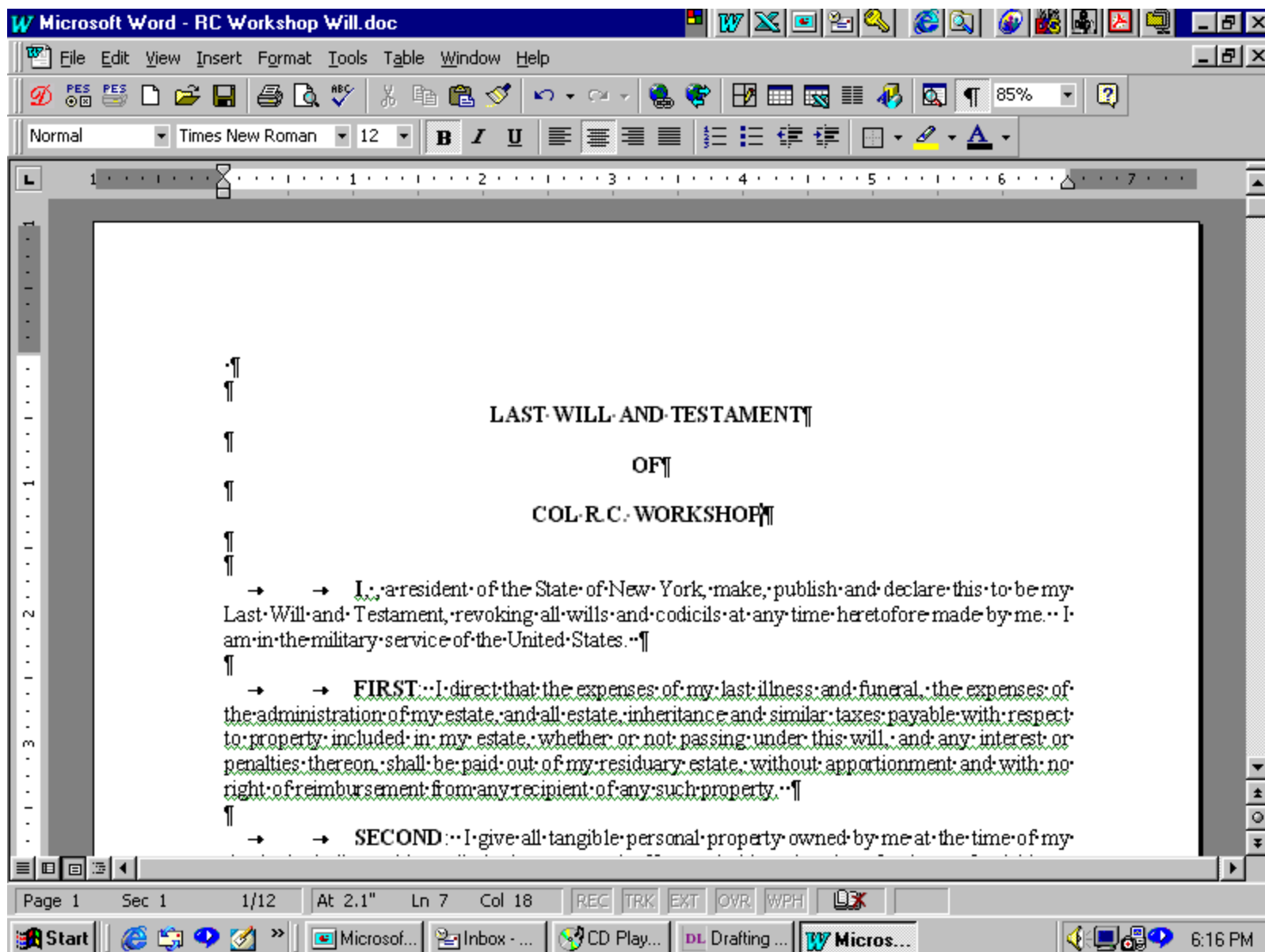
6:10 PM











# Smart Will Templates

- Sample “answer” files
  - Single soldier
  - Married soldier
  - Others
- Software Caveat



# Conclusion

- DL Wills is a powerful estate planning tool
- Attorney prepares, crafts the will (and other estate planning documents) using the tool

